

LAND USE REVIEW APPLICATION  
CITY of SHERWOOD, OREGON

# RIVERSIDE AT PINOT GLEN A 39-Lot Subdivision with Type II Design Modifications

## Map 2S1 30CC, Lot 400, 600 & 700

Updated April 21, 2026

**APPLICANT:**

Riverside Homes  
15350 SW Sequoia Parkway, Suite 320  
Portland, OR 97224  
Niki Munson  
Phone: 503-645-0986  
Email: [NMunson@riversidehome.com](mailto:NMunson@riversidehome.com)

**APPLICANT'S REPRESENTATIVE:**

Pioneer Design Group, Inc.  
9020 Washington Square Drive, Suite 170  
Portland, OR 97223  
Contact: Matt Sprague  
Ph: (503) 643-8286  
Email: [msprague@pd-grp.com](mailto:msprague@pd-grp.com)



CIVIL • PLANNING • SURVEY • LANDSCAPE  
P 503.643.8286 www.pd-grp.com  
9020 SW Washington Square Rd Suite 170  
Portland, Oregon 97223

**I. FACT SHEET**

Project Name: **Riverside at Pinot Glen**

Proposed Action: **Riverside at Pinot Glen - A 39-Lot Subdivision with Type II Design Modifications**

Tax Map: 2S1 30CC

Tax Lots: 400, 600 & 700

Current Site Size: 7.26 acres

Address: 21710, 21760 & 21820 SW Elwert Rd

Location: North of SW Cereghino Lane, between SW Elwert Road and SW Copper Terrace

Zoning: MDLR & MDRH

Applicant:  
Riverside Homes  
15350 SW Sequoia Parkway, Suite 320  
Portland, OR 97224  
Niki Munson  
Phone: 503-645-0986  
Email: [NMunson@riversidehome.com](mailto:NMunson@riversidehome.com)

Property Owners:

Tax Lot 400 & 700	Tax Lot 600
Alexander Catherine M Trust & Alexander Fam. Cred. Shelter Trust 11401 SW 107 <sup>th</sup> Place Tigard, OR 97223	Alan Schendel 12599 SW Bridgeview Ct Tigard, OR 97223

Applicant's Representative:  
Pioneer Design Group, LLC  
9020 SW Washington Square Rd., Suite 170 Portland, OR 97223  
Ph: (503) 643-8286  
Contact: Matt Sprague  
Email: [msprague@pd-grp.com](mailto:msprague@pd-grp.com)

## **PROJECT DESCRIPTION**

The applicant submits for review this request for a 39-Lot Subdivision with Type II Design Modifications within the City of Sherwood. The proposed 39-Lot Subdivision is to be known as “Riverside at Pinot Glen”. This application includes the preliminary subdivision with Type II Design Modifications related to transportation and roadway standards. The applicant has elected to defer Development Review submittal and is not proposing specific floor plans or building elevations at this time.

### Site & Vicinity

The property is identified as Tax Lots 400, 600 and 700 of Tax Map 2S130CC and is approximately 7.26 acres. The site is currently addressed as 21710, 21820 and 21760 SW Elwert Rd Sherwood Oregon 97140. The site is located on the east side of SW Elwert Rd and is bound by SW Cereghino Lane to the South and SW Copper Terrace to the east. The property is zoned MDRL and MDRH (Medium Density Residential Low and Medium Density Residential High) by the City of Sherwood.

### Existing Conditions

The subject property consists of 3 parcels, two with existing homes and the third one vacant. Each of these three parcels are rural home sites, developed with a single-family home and various out-buildings. These existing structures will be removed to accommodate the proposed development.

The rest of the site consists of grass with various evergreen and deciduous trees, with remnant areas of previous farm uses including Christmas Tree farming and a fruit orchard. All existing vegetation will be removed to accommodate the proposed development.

### Surround Land Uses

- North: Daybreak Subdivision, zoned MDRH
- South: Cooper Meadows Subdivision, zoned MDRL
- East: MDRH & MDRL
- West: Rural farmland outside of the city limits as the site abuts the western boundary of the City of Sherwood.

### Topography

The site slopes from the south to north side of the site. The high point of the site is at the lower southwest corner of the property at an approximate elevation of 254.0 feet, with a relative low point at the northwest corner of the property at an approximate elevation of 211.0 feet. Existing grades range between 2% and 22%. Stormwater from the site generally sheds to northwest corner of the property by SW Elwert Road and the northeast corner of the property by SW Copper Terrace.

### Vegetation

There are scattered trees and grassy areas throughout the subject lots. There is a mix of evergreen and deciduous trees with a large number of Douglas fir trees from a prior Christmas Tree farm, and fruit trees associated with a small orchard.

### III. COMPLIANCE WITH CITY OF SHERWOOD MUNICIPAL CODE

#### TITLE 16 ZONING AND COMMUNITY DEVELOPMENT CODE

#### CHAPTER 16.12 RESIDENTIAL LAND USE DISTRICTS

#### **16.12.010 - Purpose and Density Requirements**

##### *A. Very Low Density Residential (VLDR)*

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##### *B. Low Density Residential (LDR)*

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##### *C. Medium Density Residential (MDRL)*

*The MDRL zoning district provides for single-family and duplex housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions shall be exempt from the minimum density requirements.*

##### *D. Medium Density Residential High (MDRH)*

*The MDRH zoning district provides for housing and other related uses with a density of 5.5 to 11 dwelling units per acre (except middle housing types pursuant to 16.12.010.F). Minor land partitions are exempt from the minimum density requirement.*

##### *E. High Density Residential (HDR)*

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##### *F. Density Standards for Middle Housing*

*In the residential zones, density standards shall be applied to middle housing types as established here.*

- 1. Maximum density standards shall not be applied to duplex, triplex, quadplex or cottage cluster development.*
- 2. Cottage clusters must meet a minimum density of four (4) units per net buildable acre.*
- 3. For townhome development, the follow maximum densities shall apply:*

- a. VLDR Zone: 4 units/acre
- b. VLDR PUD Zone: 8 units/acre
- c. SE Sherwood Master PUD Zone: 16 units/acre
- d. LDR Zone: 20 units/acre
- e. MDRL Zone: 25 units/acre
- f. MDRH Zone: 25 units/acre
- g. HDR Zone: 25 units/acre

**RESPONSE:** The proposed subdivision is for single family detached homes. Therefore, the MDRL and MDRH density standards apply. The overall density of the site is 5.4 units/acre (39 units/7.26 acres = 5.37) which is within the density standards of both zoning districts. This criterion is met.

**16.12.020 Allowed Residential Land Uses**

*A. Residential Land Uses*

*The table below identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described in Chapter 16.10.*

<i>Uses</i>	<i>MDRL</i>	<i>MDRH</i>
<i>Single Family Detached Dwelling</i>	<i>P</i>	<i>P</i>
<i>Duplex</i>	<i>P</i>	<i>P</i>
<i>Triplex and Quadplex</i>	<i>P</i>	<i>P</i>
<i>Townhomes</i>	<i>P</i>	<i>P</i>
<i>Cottage Cluster</i>	<i>P</i>	<i>P</i>
<i>Multi-Family Dwellings</i>	<i>N</i>	<i>P</i>

**RESPONSE:** Single family detached dwellings are a permitted use in the MDRL and MDRH zoning districts. This criterion is met.

**16.12.030 Residential Land Use Development Standards**

*A. Generally*

*No lot area, setback, yard, landscaped area, open space, off-street parking or loading area, or other site dimension or requirement, existing on, or after, the effective date of this Code shall be reduced below the minimum required by this Code. Nor shall the conveyance of any portion of a lot, for other than a public use or right-of-way, leave a lot or structure on the remainder of said lot with less than minimum Code dimensions, area, setbacks or other requirements, except as permitted by Chapter 16.84. (Variance and Adjustments)*

*B. Development Standards*

1. *Except as modified under Chapter 16.68 (Infill Development), Section 16.144.030 (Wetland, Habitat and Natural Areas), or as otherwise provided, required minimum lot areas, dimensions and setbacks shall be provided in the following table.*

**RESPONSE:** The proposed subdivision adheres to the required minimum lot areas, dimensions and setbacks as provided in the table below for single family detached homes with the exception of the minimum lot size. The lot sizes are permitted to be less than the required area based on Lot Size Averaging for Subdivisions per Section 16.120.020. See the Preliminary Plat (Sheet P1.0) for lot dimensions, areas and setbacks.

2. *Creation of new lots or parcels as part of a townhome or cottage cluster developments are subject to the applicable land division or Planned Unit Development approval process.*

**RESPONSE:** The applicant is not proposing a townhome or cottage cluster development therefore this standard is not applicable.

3. *Sufficient Infrastructure. Prior to obtaining a residential building permit for construction of any new middle housing structure or division of an existing structure into middle housing, the applicant must submit a request for verification of Sufficient Infrastructure, together with any documentation requested by the City Engineer or designee, and receive approval from the City Engineer or designee.*

**RESPONSE:** The applicant is not proposing a middle housing development, therefore this standard is not applicable.

*C. Development Standards per Residential Zone*

<i>Development Standards by Residential Zone</i>	<i>MDRL</i>	<i>MDRH</i>
<i>Minimum Lot Areas (in square feet)</i>		
<i>Single Family Detached</i>	<i>5,000</i>	<i>5,000</i>
<i>Duplex</i>	<i>5,000</i>	<i>5,000</i>
<i>Triplex</i>	<i>5,000</i>	<i>5,000</i>
<i>Quadplex</i>	<i>7,000</i>	<i>7,000</i>
<i>Townhome</i>	<i>Avg. 1,500 per unit</i>	<i>Avg. 1,500 per unit</i>
<i>Multi-Family Dwelling: for the first two units</i>	<i>X</i>	<i>8,000</i>
<i>Multi-Family Dwelling: each additional unit after first 2</i>	<i>X</i>	<i>3,200</i>
<i>Minimum Lot width at front property line: (in feet)</i>	<i>25</i>	<i>25</i>
<i>Minimum Lot width at front property line: Townhomes only</i>	<i>20</i>	<i>20</i>
<i>Minimum Lot width at building line: (in feet)</i>		
<i>Single Family Detached; Duplex; Triplex; Quadplex and Cottage Cluster</i>	<i>50</i>	<i>50</i>
<i>Townhome</i>	<i>20</i>	<i>20</i>

<i>Multi-Family Dwelling</i>	<i>X</i>	<i>60</i>
<i>Minimum Lot Depth</i>	<i>80</i>	<i>80</i>
<i>Maximum Height (in feet)</i>		
<i>; bull: All other dwelling types</i>	<i>30 feet or 3 stories</i>	<i>30 feet or 3 stories</i>
<i>Setbacks (in feet)</i>		
<i>Front yard</i>	<i>14</i>	<i>14</i>
<i>Face of garage</i>	<i>20</i>	<i>20</i>
<i>Interior Side Yard</i>		
<i>Single family Detached; Duplex; Triplex; Quadplex; Townhome</i>	<i>5</i>	<i>5</i>
<i>Multi-family Dwelling</i>		
<i>18 ft. or less in height</i>	<i>X</i>	<i>5</i>
<i>Between 18-24 ft. in height</i>	<i>X</i>	<i>7</i>
<i>If over 24 ft. in height</i>	<i>X</i>	<i>16.68 Infill</i>
<i>Corner Lot Street Side</i>		
<i>Single Family Detached; Duplex; Triplex; Quadplex; Townhome</i>	<i>15</i>	<i>15</i>
<i>Multi-Family Dwelling</i>	<i>X</i>	<i>20</i>
<i>Rear Yard</i>	<i>20</i>	<i>20</i>

**RESPONSE:** The proposed lots are designed in accordance with all of the required dimensional standards as listed in the table above, with the exception of the minimum lot size. The lot sizes are permitted to be less than the required area based on Lot Size Averaging for Subdivisions per Section 16.120.020. See the applicant response to Section 16.120.020 for further details, and the Preliminary Plat (Sheet P1.0) for proposed lot dimensions and setbacks.

***16.12.040 Community Design***

***16.12.050 Flood Plain***

***16.12.060 Amateur Radio Towers/Facilities***

**RESPONSE:** Sections 16.12.040 through 16.12.060 do not apply to the proposed development.

**CHAPTER 16.14 RESIDENTIAL BUILDING DESIGN**

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**CHAPTER 16.56 OTHER LAND USE ACTIONS**

**RESPONSE:** Chapters 16.14 through 16.56 do not apply to the subject application.

**CHAPTER 16.58 VISION CLEARANCE AND FENCE STANDARDS**

***16.58.010 Clear Vision Areas***

- A. *A clear vision area shall be maintained on the corners of all property at the intersection of two (2) streets, intersection of a street with a railroad, or intersection of a street with an alley or private driveway.*
- B. *A clear vision area shall consist of a triangular area, two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation; or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two (2) sides.*
- C. *A clear vision area shall contain no planting, sight obscuring fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half (2½) feet in height, measured from the top of the curb, or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to the height of seven (7) feet above the ground on the sidewalk side and ten (10) feet on the street side.  
The following requirements shall govern clear vision areas:*
- 1. In all zones, the minimum distance shall be twenty (20) feet.*
  - 2. In all zones, the minimum distance from corner curb to any driveway shall be twenty-five(25) feet.*
  - 3. Where no setbacks are required, buildings may be constructed within the clear vision area.*

**RESPONSE:** Adequate clear vision areas will be provided for all lots within the proposed subdivision, consistent with City standards. As shown on plans submitted with the application, driveways and street trees have been located to keep clear vision areas unobstructed, as required.

#### ***16.58.020 Fences, Walls and Hedges***

A. *Purpose:*

*The fence standards promote the positive benefits of fences without negatively impacting the community or endangering public or vehicle safety. Fences can create a sense of privacy, protect children and pets, provide separation from busy streets, and enhance the appearance of the property by providing attractive landscape materials. The negative effect of fences can include the creation of street walls that inhibit police and community surveillance, decrease the sense of community, hinder the safe movement of pedestrians and vehicles, and create an unattractive appearance. These standards are intended to promote the positive aspects of fences and to limit the negative ones.*

B. *Applicability:*

*The following standards apply to walls, fences, hedges, lattice, mounds, and decorative toppers. These standards do not apply to sound walls and landscape features that are not hedges.*

*C. Fences, Walls, and Hedges in Residential Zones:*

- 1. All fences shall be subject to the clear vision provisions of Section 16.58.010.*

**RESPONSE:** Adequate clear vision areas will be provided for all lots within the proposed subdivision, consistent with City standards. As the applicant has requested to defer Development Review submittal at this time, no fence details are provided with the exception of fencing along the visual corridor, which will not impact any required clear vision areas.

- 2. A sound wall is permitted when required as a part of a development review or concurrent with a road improvement project. A sound wall may not be taller than twenty (20) feet.*

**RESPONSE:** The proposed subdivision does not include a sound wall. This section does not apply.

- 3. Toppers, lattice, decorative top fencing are counted toward the height of the fence.*

**RESPONSE:** The requirements of this Section regarding fences will be followed by the builder/owner of each lot. No fence toppers, latticework, or decorative top fencing is proposed with this application.

- 4. In cases where a sidewalk is located partially or entirely on private property, rather than entirely in the public right-of-way, a line drawn one (1) foot further back from the edge of the sidewalk that is furthest from the right of way shall be treated as the property line for purposes of the above table.*

**RESPONSE:** All proposed sidewalks are located within the public right-of-way. This section does not apply.

- 5. In cases where no sidewalk exists immediately adjacent to a street, a line drawn twenty-six (26) feet from the centerline of the street shall be treated as the property line for purposes of the above table.*

**RESPONSE:** The requirements of this Section regarding walls, fences and hedges are typically to be followed by the builder/owner of each lot. However, the applicant is proposing several retaining walls around the development, including walls for the proposed stormwater facility in Tract A, and a fence between the proposed Visual Corridor along SW Elwert Road and the rear yard of Lots 10 through 17.

Retaining walls are also proposed adjacent to Lots 22 through 28 in order to create suitable building platforms, with a maximum height of approximately 5 feet at the southwest corner of Lot

23. Similarly, retaining walls are proposed adjacent to Lots 1 through 7 and Lots 32 through 39 to create suitable building platforms. With a maximum height of approximately 7 feet at the southwest corner of lot 38.

All walls or fencing installations will comply with this criterion as indicated on the Preliminary Grading and Erosion Control Plan (Sheet P3.0). The location and design of these walls will be confirmed as part of the Grading and Site Development applications but will be designed to minimize earthwork near property lines.

*D. Location—Non-Residential Zone:*

**RESPONSE:** The subject site is located within a residential zone. This section does not apply.

*E. General Conditions—All Fences:*

<i>Fence Location</i>		<i>Maximum Fence Height</i>	<i>Hedge Location</i>	<i>Hedge Height</i>
<i>Front yard Setback</i>	<i>Anywhere, up to the property line</i>	<i>Forty-two (42) inches</i>	<i>Anywhere, up to the property line</i>	<i>4 feet</i>
<i>Corner Lot Street-Side/Side Yard Setback</i>	<i>At least 5 ft. back from the property line</i>	<i>6 feet</i>	<i>Anywhere, up to the property line</i>	<i>8 feet</i>
	<i>Anywhere, up to the property line</i>	<i>Forty-two (42) inches</i>		
<i>Side Yard Setback</i>	<i>Anywhere, up to the property line</i>	<i>6 feet</i>	<i>Anywhere, up to the property line</i>	<i>8 feet</i>
<i>Rear Yard Setback</i>	<i>Anywhere, up to the property line</i>	<i>6 feet</i>	<i>Anywhere, up to the property line</i>	<i>8 feet</i>
<i>Public Access Ways/Alleys</i>	<i>At least 3 ft. back from the property line</i>	<i>6 feet</i>	<i>Anywhere, up to the property line</i>	<i>8 feet</i>
	<i>Anywhere, up to the property line</i>	<i>Forty-two (42) inches</i>		

1. *Retaining, masonry, concrete, and modular retaining walls may not be constructed within the eight-foot public utility easement (PUE) located on the front and corner street side yards, without approval from the City Engineer.*
2. *Fences must be structurally sound and maintained in good repair. A fence may not be propped up in any way from the exterior side.*
3. *Chain link fencing is not allowed in any required residential front yard setback.*

4. *The finished side of the fence must face the street or the neighboring property. This does not preclude finished sides on both sides.*
5. *Buffering: If a proposed development is adjacent to a dissimilar use such as a commercial use adjacent to a residential use, or development adjacent to an existing farming operation, a buffer plan that includes, but is not limited to, setbacks, fencing, landscaping, and maintenance via a homeowner's association or managing company must be submitted and approved as part of the preliminary plat or site plan review process per Section 16.90.020 and Chapter 16.122.*
6. *In the event of a conflict between this Section and the clear vision standards of Section 16.58.010, the standards in Section 16.58.010 prevail.*
7. *The height of a fence or wall is measured from the actual adjoining level of finished grade measured six (6) inches from the fence. In the event the ground is sloped, the lowest grade within six (6) inches of the fence is used to measure the height.*
8. *Call before you dig (811) if placing a fence within the public utility easement (PUE) to have your utility lines located. This easement area is usually located eight (8) feet across the front yard and the side yard setback on a corner lot. Utility lines can be buried just beneath the surface.*

**RESPONSE:** The requirements of this Section regarding walls, fences and hedges are typically to be followed by the builder/owner of each lot. However, the applicant is proposing several retaining walls around the development, including walls for the proposed stormwater facility in Tract A, and a fence between the proposed Visual Corridor along SW Elwert Road and the rear yard of Lots 10 through 17.

Retaining walls are also proposed adjacent to Lots 22 through 28 in order to create suitable building platforms, with a maximum height of approximately 5 feet at the southwest corner of Lot 23. Similarly, retaining walls are proposed adjacent to Lots 1 through 7 and Lots 32 through 39 to create suitable building platforms. With a maximum height of approximately 7 feet at the southwest corner of lot 38.

All walls or fencing installations will comply with the above criterion as indicated on the Preliminary Grading and Erosion Control Plan (Sheet P3.0). The location and design of these walls will be confirmed as part of the Grading and Site Development applications but will be designed to minimize earthwork near property lines. With the exception of the walls and fencing described above, the requirements of this section regarding fencing, hedges or walls are to be followed by the builder/owner of each lot.

With specific regard to the fence located between the proposed Visual Corridor and the dwellings on Lots 10 through 17, the visual corridor requirements do not provide specific fence designs. However, it is noted that the fence is likely to consist of a 6-foot-tall solid wooden fence, meeting the design requirements identified above. The location of the fence is identified on the Preliminary Street Plan (Sheet P4.0).

CHAPTER 16.60 YARD REQUIREMENTS

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CHAPTER 16.68 INFILL DEVELOPMENT STANDARDS

**RESPONSE:** Chapters 16.60 through 16.68 do not apply to the proposed development.

CHAPTER 16.70 GENERAL PROVISIONS

**16.70.010 Pre-Application Conference**

*Pre-application conferences are encouraged and shall be scheduled to provide applicants with the informational and procedural requirements of this Code; to exchange information regarding applicable policies, goals and standards of the Comprehensive Plan; to provide technical and design assistance; and to identify opportunities and constraints for a proposed land use action. An applicant may apply at one time for all permits or zone changes needed for a development project as determined in the pre-application conference.*

**RESPONSE:** The applicant attended a pre-application conference, City File No. PAC 2024-013 on October 10, 2024. The pre-application conference notes from the City are included with this submittal.

**16.70.020 - Neighborhood Meeting**

- A. *The purpose of the neighborhood meeting is to solicit input and exchange information about the proposed development.*
- B. *Applicants of Type III, IV and V applications are required to hold a meeting, at a public location for adjacent property owners and recognized neighborhood organizations that are within 1,000 feet of the subject application, prior to submitting their application to the City. Notification of the neighborhood meeting shall be mailed 14 calendar days prior to the meeting date. Affidavits of mailing, sign-in sheets and a summary of the meeting notes must be included with the application when submitted. Applicants for Type II land use action are encouraged, but not required to hold a neighborhood meeting.*
  1. *Projects requiring a neighborhood meeting in which the City or Urban Renewal District is the property owner or applicant shall also provide published and posted notice of the neighborhood meeting consistent with the notice requirements in-16.72.020.*

**RESPONSE:** The applicant has met the requirements for the neighborhood meeting procedures. The neighborhood meeting was held on August 27, 2025. See the Neighborhood Meeting materials included in this application packet.

## **16.70.030 - Application Requirements**

### **A. Form**

*Any request for a land use action shall be made on forms prescribed and provided by the City and shall be prepared and submitted in compliance with this Code. A land use application shall be reviewed against the standards and criteria effective at the time of application submittal. Original signatures from all owners or their legal representative must be on the application form.*

**RESPONSE:** The applicant has included the City of Sherwood Application for Land Use Action form for the proposed subdivision in the application packet with the required signatures.

### **B. Copies**

*To assist in determining the compliance of proposed land use actions with the Comprehensive Plan and provisions of this Code, applicants shall submit one (1) complete electronic copy of the full application packet, one reduced (8½ × 11) copy of the full application packet and the required number of hard copies as outlined on the applicable forms prescribed and provided by the City.*

**RESPONSE:** The applicant has provided 3 hard copies and a complete electronic copy of the full application packet to the City of Sherwood.

### **C. Content**

1. *In addition to the required application form, all applications for Residential Design Checklist approval must include the following:*
  - a. *Residential Design Checklist.*
  - b. *Building elevations including enough detail to confirm conformance with the design standards of Chapter 16.14.*

**RESPONSE:** The applicant has not included the Residential Design Checklist or building elevations as part of this application. The applicant has elected to defer Development Review submittal and is not proposing specific floor plans or building elevations at this time.

2. *In addition to the required application form, all applications for Type I approval must include the following:*
  - a. *Appropriate fee(s) for the requested land use action required based on the City of Sherwood Fee Schedule.*

- b. *Tax Map showing property within at least 300 ft. with scale (1" = 100' or 1" = 200'), north arrow, date, and legend.*
- c. *Vicinity Map.*

**RESPONSE:** The proposed application is for a Type II land use approval. This section does not apply.

- 3. *In addition to the required application form, all applications for Type II-V land use approval must include the following:*
  - a. *Appropriate fee(s) for the requested land use action required based on the City of Sherwood Fee Schedule.*
  - b. *Documentation of neighborhood meeting per 16.70.020.*
  - c. *Tax Map showing property within at least 300 feet with scale (1" = 100' or 1" = 200') north point, date and legend.*
  - d. *Two (2) sets of mailing labels for property owners of record within 1,000 feet of the subject site, including a map of the area showing the properties to receive notice and a list of the property owners, addresses and tax lots. Ownership records shall be based on the most current available information from the Tax Assessor's office.*
  - e. *Vicinity Map showing a minimum radius of 500 feet around the property and the closest intersection of two Principal Arterial, Arterial, Collector or Neighborhood roads.*
  - f. *A narrative explaining the proposal in detail and a response to the Required Findings for Land Use Review for the land use approval(s) being sought.*
  - g. *Two (2) copies of a current preliminary title report.*
  - h. *Existing conditions plan drawn to scale showing: property lines and dimensions, existing structures and other improvements such as streets and utilities, existing vegetation, any floodplains or wetlands and any easements on the property.*
  - i. *Proposed development plans sufficient for the Hearing Authority to determine compliance with the applicable standards. Checklists shall be provided by the City detailing information typically needed to adequately review specific land use actions.*
  - j. *A traffic study, if required by other sections of this Code.*

- k. *Other special studies or reports that may be identified by the City Manager or his or her designee to address unique issues identified in the pre-application meeting or during project review including but not limited to:*
  - i. *Wetland assessment and delineation;*
  - ii. *Geotechnical report;*
  - iii. *Traffic study;*
  - iv. *Verification of compliance with other agency standards such as CWS, DSL, Army Corps of Engineers, ODOT, PGE, BPA, Washington County.*

**RESPONSE:** The applicant has provided the required reports and documentation in the application packet. The site was assessed by ES&A and CWS issued an environmental review confirming that there are no Significant Areas within 200 feet of the subject site. In regard to special reports, this application submittal includes: CWS Service Provider Letter, geotechnical report and traffic impact letter. This criterion is met.

- l. *Plan sets must have:*
  - i. *The proposed name of the development. If a proposed project name is the same as or similar to other existing projects in the City of Sherwood, the applicant may be required to modify the project name.*
  - ii. *The name, address and phone of the owner, developer, applicant and plan producer.*
  - iii. *North arrow.*
  - iv. *Legend.*
  - v. *Date plans were prepared and date of any revisions.*
  - vi. *Scale clearly shown. Other than architectural elevations, all plans must be drawn to an engineer scale.*
  - vii. *All dimensions clearly shown.*

**RESPONSE:** All of the proposed plan sheets adhere to the standards as listed above. See plan set included in the application packet.

- 4. *Exemptions can be made when items in 16.70.030.C.1 are not necessary in order to make a land use decision, such as for text amendments to the development code. Additional written documentation may be necessary to adequately demonstrate compliance with the criteria.*

**RESPONSE:** The applicant has included all of the required documentation per section 16.70.030.C.1 with the exemption of the Residential Design Checklist and building elevations. The applicant has elected to defer the Developmental Review submittal and is not proposing specific floor plans or building elevations at this time.

#### ***16.70.040 - Application Submittal***

A. *Acceptance*

*An application for land use will not be accepted by the City without the required forms, the required fee(s), the signature of the applicant and authorization from the property owner of record.*

B. *Completeness*

*Within thirty (30) calendar days of the date of initial submission, the City shall determine whether the application is complete and so notify the applicant in writing. The application will not be deemed complete unless the minimum application requirements are met as described on the application form provided by the City. Applicants will receive written notification of any application deficiencies. Information outlined in the letter of incompleteness must be submitted within 180 days of the date of the letter. Alternatively, within 14 days of the date of the letter, the applicant may submit a statement indicating refusal to submit the required items. If a refusal statement is provided, the application is considered complete on the 31<sup>st</sup> day from the date the application was submitted.*

**RESPONSE:** The applicant acknowledges the procedural requirements as listed above. The requested information is included in this revised narrative and is submitted within 180 days from the date of the letter of incompleteness.

***16.70.050 - Availability of Record for Review***

A. *Public Inspection*

- 1. Except as provided herein, all application materials to be relied upon in public hearings on land use actions required by this Code shall be available for public inspection twenty (20) calendar days in advance of the initial hearing before the Commission or Council. If two (2) or more hearings are required on a land use action, all application materials shall be available for public inspection at least ten (10) calendar days in advance of the initial hearing before the Hearing Authority. All application materials to be relied upon for Type II decisions as indicated in Section 16.72.010 shall be available for public inspection fourteen (14) calendar days in advance of the staff decision on the application.*
- 2. Application materials shall be available to the public for inspection at no cost. Copies of application materials will be provided to the public, upon request, at a cost defined by the City's fee schedule.*

**RESPONSE:** The applicant understands that the City will make all application materials available to the public in accordance with this requirement.

B. *Continuance*

*If additional materials are provided in support of an application later than twenty (20) calendar days in advance of the initial hearing before the Hearing Authority, or later than ten (10) calendar days in advance of the initial hearing before the Commission or Council if two (2) or more hearings are required, or if the City or the applicant fails to meet any requirements of Chapter 16.72, any party to the application, or party notified of the hearing as per Section 16.72.020, may make request to the City, either verbally at the initial hearing or in writing at any time before the close of the hearing, for a hearing continuance. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations. If, in the City's determination, there is a valid basis for the continuance request, said request shall be granted.*

**RESPONSE:** The applicant understands the requirements and timeframes for material submittals, and the opportunity for continuances of proceedings.

CHAPTER 16.72 PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS

**16.72.010 – Generally**

*A. Classifications*

*Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all ministerial, administrative, and quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:*

*1. Residential Design Checklist Review*

*The Community Development Director, or designee, without public notice and without a public hearing, makes ministerial decisions through the Residential Design Checklist Review procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., they are clear and objective standards).*

*The Community Development Director, or designee, reviews proposals for all residential housing types, except for multi-dwelling development that are subject to Section 16.90, requiring a clear and objective review using the Residential Design Checklist. The Residential Design Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Chapter 16.14 before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.*

*2. Type I*

*...*

*3. Type II*

*...*

4. *Type III*

- a. *Conditional Uses.*
- b. *Site Plan Review — between 15,001 and 40,000 square feet of floor area, parking or seating capacity except those within the Old Town Overlay District, per Section 16.72.010.A.*
- c. *Subdivisions between 11—50 lots.*

**RESPONSE:** The proposed subdivision is for 39 Lots. Therefore, the application is submitted as a Type III Subdivision application.

...  
B. *Hearing and Appeal Authority*

1. *The Hearing and Appeal Authorities shall be as follows:*

- a. *The Residential Design Checklist review authority is the Community Development Director or their designee. The decision is final on the date it is signed by the Community Development Director. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to local appeal or appeal to the state Land Use Board of Appeals (LUBA).*
- b. *The Type I Hearing Authority is the Community Development Director and the Appeal Authority is the Planning Commission...*
- c. *The Type II Hearing Authority is the Community Development Director and the Appeal Authority is the Planning Commission...*
- d. *The Type III Hearing Authority is the Hearings Officer and the Appeal Authority is the Planning Commission.*
  - (1) *The Hearings Officer shall hold a public hearing following public notice in accordance with Sections 16.72.020 through 16.72.080.*
  - (2) *Any person who testified before the Hearings Officer at the public hearing or submitted written comments prior to the close of the record may appeal the Hearings Officer's decision.*
- e. *The Type IV Hearing Authority is the Planning Commission and the Appeal Authority is the City Council....*
- f. *The Type V Hearing Authority is the City Council...*
- g. *Review by Council*

(1) *Review of a decision by a Hearing Authority may be initiated by the City Council when the Council determines that:*

- a. The matter involves important issues of policy; and*
- b. The original decision likely involves errors of law or was not supported by substantial evidence.*

2. *Each quasi-judicial development permit application shall potentially be subject to two (2) levels of review, with the first review by a Hearing Authority and the second review, if an appeal is filed, by an Appeal Authority. The decision of the Hearing Authority shall be the City's final decision, unless an appeal is properly filed within fourteen (14) days after the date on which the Hearing Authority took final action. In the event of an appeal, the decision of the Appeal Authority shall be the City's final decision.*

**RESPONSE:** The proposed development is subject to a Type III subdivision application. The applicant acknowledges the procedural requirements as listed above.

*C. Approval Criteria*

- 1. *The approval criteria for each development permit application shall be the approval standards and requirements for such applications as contained in this Code. Each decision made by a Hearing Authority or Appeal Authority shall list the approval criteria and indicate whether the criteria are met. It is the applicant's burden to demonstrate to the Hearing Authority and Appeal Authority how each of the approval criteria are met. An application may be approved with conditions of approval imposed by the Hearing Authority or Appeal Authority. On appeal, the Appeal Authority may affirm, reverse, amend, refer, or remand the decision of the Hearing Authority.*
- 2. *In addition to Section 1 above, all Type IV quasi-judicial applications except Residential Design Review shall also demonstrate compliance with the Conditional use criteria of Section 16.82.020, except for residential and multi-family land use applications, including subdivisions.*

**RESPONSE:** The applicant is aware of the approval criteria listed under Subsection C.1. above.

- 16.72.020 Public Notice and Hearing**
- 16.72.040 Planning Staff Reports**
- 16.72.050 Conduct of Public Hearings**
- 16.72.060 Notice of Decision**
- 16.72.070 Registry of Decisions**
- 16.72.080 Final Action of Permit or Zone Change**

**RESPONSE:** All public notice for the hearing is to be provided by the City of Sherwood. The applicant acknowledges the procedural requirements as listed above.

## **DIVISION V. COMMUNITY PLANNING**

### **CHAPTER 16.84 VARIANCES**

*As provided in this Section, there are three types of variances: Adjustments, Class A variance and Class B variance; the type of variance required depends on the extent of the variance request and the discretion involved in the decision making process.*

#### *A. Adjustments*

- 1. Generally and Approval Process: The following Adjustments and Residential Design Checklist with Adjustment are reviewed using a Type I procedure, as governed by Chapter 16.72, using the approval criteria in Subsection 2, below:*
  - a. Front yard setbacks Up to a 5 percent change to the front yard setback standard in the land use district.*
  - b. Rear yard setbacks Up to a 5 percent reduction of the dimensional standards for the rear yard setbacks required in the base land use district so long as the three foot setback is maintained based on Building Code requirements where applicable.*
  - c. Interior side yard setbacks: Adjustments to interior side yard setbacks for all residential housing types are not allowed.*
  - d. Landscape area - Up to a 5 percent reduction in landscape area (overall area or interior parking lot landscape area.*
  - e. A 5 percent increase or decrease in other Code standards or dimensions not otherwise specifically identified in this section and not applicable at the time of the subdivision or partition approval.*
  - f. Up to a 5 percent adjustment to one or more of the residential design standards of Section 16.14, Table 16.14-1.A-C (no adjustments to the Detailed Design standards in 16.14, Table 16.14-1.D are permitted).*
- 2. Approval Criteria: Adjustments subject to the provisions of this section shall be granted if the applicant demonstrates compliance with all of the following criteria:*
  - a. The adjustment requested is required due to the lot configuration, or other conditions of the site;*
  - b. The adjustment does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;*

- c. *The adjustment will not result in violation(s) of any other adopted ordinance or code standard; each code standard to be modified shall require a separate adjustment request.*
- d. *An application for an adjustment is limited to one lot or parcel per application.*
- e. *No more than three adjustments may be approved for one lot or parcel in 12 months.*

**RESPONSE:** The proposed development does not require any adjustments or variances. This section does not apply. It is noted, however, that the applicant has requested Type II Design Modifications related to transportation and roadway standards, in accordance with SMC section 16.106.020.E.

#### CHAPTER 16.94 OFF-STREET PARKING AND LOADING

##### **16.94.010 General Requirements**

###### *A. Off-Street Parking Required*

*No site shall be used for the parking of vehicles until plans are approved providing for off-street parking and loading space as required by this Code. Any change in uses or structures that reduces the current off-street parking and loading spaces provided on site, or that increases the need for off-street parking or loading requirements shall be unlawful and a violation of this Code, unless additional off-street parking or loading areas are provided in accordance with Section 16.94.020, or unless a variance from the minimum or maximum parking standards is approved in accordance with Chapter 16.84 Variances.*

**RESPONSE:** The proposed development will provide off-street parking in the form of a driveway and garage for each single-family detached home. This criterion is met.

###### *B. Deferral of Improvements*

*Off-street parking and loading spaces shall be completed prior to the issuance of occupancy permits, unless the City determines that weather conditions, lack of available surfacing materials, or other circumstances beyond the control of the applicant make completion impossible. In such circumstances, security equal to one hundred twenty five (125) percent of the cost of the parking and loading area is provided the City. "Security" may consist of a performance bond payable to the City, cash, certified check, or other assurance of completion approved by the City. If the installation of the parking or loading area is not completed within one (1) year, the security may be used by the City to complete the installation.*

**RESPONSE:** Off-street parking as provided by garages and driveways will be completed prior to the issuance of occupancy permits. The applicant does not anticipate deferral of parking spaces. This criterion does not apply.

*C. Options for Reducing the Required Parking Spaces*

1. *Two (2) or more uses or, structures on multiple parcels of land may utilize jointly the same parking and loading spaces when the peak hours of operation do not substantially overlap, provided that satisfactory evidence is presented to the City, in the form of deeds, leases, or contracts, clearly establishing the joint use.*
  - a. *Within residential, commercial, institutional and public, or industrial zones, shared parking may be provided on lots that are within two thousand (2,000) feet of the property line of the use to be served.*
  - b. *Shared parking is allowed if the application can show that the combined peak use is available by a parking study that demonstrates:*
    - (1) *There is a sufficient number of parking spaces to accommodate the requirements of the individual businesses; or*
    - (2) *That the peak hours of operation of such establishments do not overlap, and*
    - (3) *That an exclusive permanent easement over a delineated area has been granted for parking space use.*

**RESPONSE:** The proposed development does not include shared parking or loading spaces. This criterion does not apply.

2. *Mixed use projects are developments where a variety of uses occupies a development project or complex. For example, an eating establishment, professional office building and movie theater are all components of a mixed use site. It does not include a secondary use within a primary use such as an administrative office associated with a retail establishment. In mixed-use projects, the required minimum vehicle parking shall be determined using the following formula...*

**RESPONSE:** The proposed development is not a mixed-use project. This criterion does not apply.

3. *Parking reduction is allowed with development that provides solar panels or wind power capacity, carsharing parking spaces, electric-vehicle parking spaces, and housing units that are fully accessible to people with mobility disabilities as defined in Section 16.94.020.B(6).*

**RESPONSE:** The proposed subdivision does not provide any of the above accommodations for reduced parking. This criterion does not apply.

*D. Prohibited Uses*

*Required parking, loading and maneuvering areas shall not be used for long-term storage or sale of vehicles or other materials, and shall not be rented, leased or assigned to any person or organization not using or occupying the building or use served.*

*E. Location*

*1. Residential off-street parking spaces:*

- a. Garages and carports are not required for residential developments.*
- b. If garages and carports are proposed, the garage and carport parking space(s) shall count as off- street parking.*
- c. Residential off-street parking spaces can be shared per Section 16.94.010.C.1.a.*
- d. If all proposed parking is off-site, off-site parking for people with disabilities must be located within the shortest possible distance of an accessible entrance via an accessible path and no greater than 200 feet from that entrance.*

**RESPONSE:** The proposed development is for a residential subdivision for single-family homes which will have garages and driveways. The garages and driveways will count as off-street parking.

- 2. For other non-residential uses, required off-street parking spaces may include adjacent on-street parking spaces, nearby public parking and shared parking located within 2,000 feet of the use. The distance from the parking, area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use private off-site parking must be evidenced by a recorded deed, lease, easement, or similar written notarized letter or instrument.*

**RESPONSE:** The proposed development is for residential homes and does not include other non-residential uses. Therefore, this section does not apply.

- 3. Vehicle parking is allowed only on improved parking shoulders that meet City standards for public streets, within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations and types of spaces (car pool, compact, etc.) for parking shall be indicated on submitted plans and located to the side or rear of buildings where feasible.*
  - a. Any new development with more than fifty (50) employees shall include preferential spaces for carpool/vanpool designation. Carpool and vanpool parking spaces shall be located closer to the main employee entrance than all*

*other parking spaces with the exception of ADA parking spaces. Carpool/vanpool spaces shall be clearly marked as reserved for carpool/vanpool only.*

- b. Existing development may redevelop portions of designated parking areas for multi-modal facilities (transit shelters, park and ride, and bicycle parking), subject to meeting all other applicable standards, including minimum space standards.*
- c. In applying subsections a and b above, access for emergency vehicles must be retained and adequate parking for truck loading should be considered.*

**RESPONSE:** The proposed development is for residential homes which each include a garage and driveway that has been developed in conformance with this code. Sections a through c are not applicable.

- 4. Any new development that includes more than one-half acre of new off-street surface parking on a lot or parcel shall provide one of the provisions below. The new surface parking area shall be measured based on the perimeter of all new off-street spaces, maneuvering lanes, and maneuvering areas, including driveways and drive aisles.*
  - a. Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new parking space. Panels may be located anywhere on the property. In lieu of installing solar panels on site, the developer may pay \$1,500 per new parking space in the development into a city fund dedicated to equitable solar or wind energy development or a fund at the Oregon Department of Energy designated for such purpose; or*
  - b. Actions to comply with Green Energy Technology per OAR 330-135-0010; or*
  - c. Tree canopy covering at least 40 percent of the new parking lot area at maturity but no more than 15 years after planting.*

**RESPONSE:** The new surface parking area for the proposed development does not include more than a half-acre of new off-street surface parking. The driveways are not shown on the current plan set, however no lot will include more than one-half acre of new off-street parking on a lot or parcel. This section does not apply.

- 5. Any new development that includes more than one-half acre of new surface parking on a lot or parcel shall provide either trees along driveways or a minimum of 30 percent tree canopy coverage over parking areas. Developments are not required to provide trees along drive aisles. The tree spacing and species planted must be designed to maintain a continuous canopy, except when interrupted by driveways, drive aisles, and other site design considerations, and*

**RESPONSE:** No lot within the development will include more than a half-acre of new off-street surface parking. This section does not apply.

6. *Provisions under subsections 4 and 5 above, the following shall apply...*

**RESPONSE:** Subsections 4 and 5 above do not apply to this application. Therefore, this section also does not apply.

7. *Conversion and redevelopment of underutilized parking areas for other uses is allowed.*

*The City may allow the development of underused parking areas for uses permitted in the applicable zone. Underutilized shall mean any portion of the parking area that remains mostly vacant throughout most of the year (excluding special events or peak periods). A study shall accompany any request for site plan review Land Use applications. The study shall demonstrate, to the satisfaction of the City, that the elimination of the existing parking will have no detrimental effects, that cannot be mitigated by the applicant, on the property or sounding properties. This includes, out is not limited to, the possibility that the elimination of parking areas may shift the need for parking onto neighboring properties or cause any other negative impacts to surrounding properties.*

**RESPONSE:** The proposed development does not include the conversion or redevelopment of underutilized parking areas. This section does not apply.

8. *Any new development that includes more than one-half acre of new off-street surface parking on a lot or parcel shall meet pedestrian walkway standards per Section 16.96.020 or 16.96.030.*

**RESPONSE:** The proposed development does not include more than one-half acre of new off-street surface parking on any lot or parcel. This criterion does not apply.

F. *Marking*

*All parking, loading or maneuvering areas shall be clearly marked and painted. All interior drives and access aisles shall be clearly marked and signed to show the direction of flow and maintain vehicular and pedestrian safety.*

**RESPONSE:** The proposed subdivision does not include any parking, loading or maneuvering areas. This criterion does not apply.

G. *Surface and Drainage*

1. *All parking and loading areas shall be improved with a permanent hard surface such as asphalt, concrete or a durable pervious surface. Use of pervious paving*

*material is encouraged and preferred where appropriate considering soils, location, anticipated vehicle usage and other pertinent factors.*

2. *Parking and loading areas shall include storm water drainage facilities approved by the City Engineer or Building Official.*

**RESPONSE:** The proposed development does not include parking and loading areas. This section does not apply.

*H. Repairs*

*Parking and loading areas shall be kept clean and in good repair. Breaks in paved surfaces shall be repaired. Broken or splintered wheel stops shall be replaced. Painted parking space boundaries and directional symbols shall be maintained in a readable condition.*

**RESPONSE:** The proposed development does not include parking and loading areas. This section does not apply.

*I. Parking and Loading Plan*

*An off-street parking and loading plan, drawn to scale, shall accompany requests for building permits or site plan approvals. A parking and loading plan is not required for all residential housing types, except for Multi-family, on residential lots in a recorded subdivision. The plan shall show but not be limited to...*

**RESPONSE:** As stated above, a parking and loading plan is not required for all residential housing types. Therefore, this criterion does not apply.

*J. Parking Districts*

*The City may establish a parking district (i.e., permits or signage) in residential areas in order to protect residential areas from spillover parking generated by adjacent commercial, employment or mixed-use areas, or other uses that generate a high demand for parking. The district request shall be made to the City Manager, who will forward a recommendation to the City Council for a decision.*

**REPSONSE:** The proposed development does not include the establishment of a parking district. This criterion does not apply.

- K. Structured parking and on-street parking are exempt from the parking space maximums in Section 16.94.020.A.*

**RESPONSE:** There are no parking space maximums for Single-family detached units according to section 16.94.020.A. This criterion does not apply.

*L. Commercial Uses*

*Parking spaces for rented or leased commercial uses shall be unbundled per Title 5.36.*

**RESPONSE:** The proposed development area does not contain any commercial uses. This criterion does not apply.

**16.94.020 Off-Street Parking Standards**

*A. Generally*

*Where square feet are specified, the area measured shall be the gross building floor area primary to the functioning of the proposed use. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space. The Review Authority may determine alternate off - street parking and loading requirements for a use not specifically listed in this Section based upon the requirements of comparable uses. Per OAR 660-012-0440 Parking Reform Near Transit Corridors no off-street parking is required for developments on a lot or parcel that includes lands within one-half (½) mile of a frequent transit corridor. Per OAR 660-012-0435 Climate Friendly Areas, no off-street parking is required within the Sherwood Town Center and one-quarter mile of the area (see CFEC Parking Delineated Area Map at the end of this section).*

**Table 1: Parking Standards for lots or parcels not within the CFEC Parking Delineated Area ((Metro spaces are based on 1 per 1,000 sq ft of gross leasable area; ADU standards are per OAR Division 46)**

	<i>Minimum Parking Standard</i>	<i>Maximum Permitted Parking Zone A</i>	<i>Maximum Permitted Parking Zone B</i>
<i>Single Family detached and manufactured home on lot</i>	<i>1 per dwelling unit</i>	<i>None</i>	<i>None</i>

**RESPONSE:** The proposed subdivision will support single-family detached homes. Each proposed lot will have a driveway and garage to provide off street parking of greater than 1 space per dwelling unit. This criterion is met.

*B. Dimensional and General Configuration Standards*

- 1. Dimensions For the purpose of this Chapter, a "parking space" means a stall nine (9) feet in width and twenty (20) feet in length. Up to twenty five (25) percent of required parking spaces may have a minimum dimension of eight (8) feet in width and eighteen (18) feet in length so long as they are signed as compact car stalls.*
- 2. Layout...*

**RESPONSE:** All off-street parking for the proposed development will be provided via driveways and garages. No additional off-street parking areas will be included. Therefore, this section does not apply.

*C. Bicycle Parking Facilities*

*1. General Provisions*

- a. Applicability. Bicycle parking spaces shall be provided for new development, changes of use, and major renovations, defined as construction valued at twenty-five (25) percent or more of the assessed value of the existing structure.*
- b. Types of Spaces. Bicycle parking facilities shall be provided in terms of short-term bicycle parking and long-term bicycle parking. Short-term bicycle parking is intended to encourage customers and other visitors to use bicycles by providing a convenient and readily accessible place to park bicycles. Long-term bicycle parking provides employees, students, residents, commuters, and others who generally stay at a site for at least several hours a weather-protected place to park bicycles.*
- c. Minimum Number of Spaces. The required total minimum number of bicycle parking spaces for each use category is shown in Table 4, Minimum Required Bicycle Parking Spaces.*
- d. Minimum Number of Long-term Spaces. If a development is required to provide eight (8) or more required bicycle parking spaces in Table 4, at least twenty-five (25) percent shall be provided as long-term bicycle with a minimum of one (1) long-term bicycle parking space.*
- e. Multiple Uses. When there are two or more primary uses on a site, the required bicycle parking for the site is the sum of the required bicycle parking for the individual primary uses.*

*Table 4: Minimum Required Bicycle Parking Spaces*

<i>Use Categories</i>	<i>Minimum Required Spaces</i>
<i>Residential Categories</i>	
<i>Household Living</i>	<i>Multi-dwelling – 2 or 1 per 10 auto spaces All other residential structure types - None</i>

**RESPONSE:** The proposed subdivision is for single-family residential homes. Therefore, bicycle parking spaces are not required. This criterion is met.

**CHAPTER 16.96 ON-SITE CIRCULATION**

## **16.96.010 General Requirements for On-Site Pedestrian and Bicycle Circulation**

### *A. Purpose*

*All new development, (except single-family detached and middle housing types), shall provide a continuous system of private pathways/sidewalks. The on-site facilities shall connect to adjacent residential areas and neighborhood activity centers within one-half mile of the development. Neighborhood activity centers include but are not limited to existing or planned schools, parks, shopping areas, transit stops or employment centers.*

**RESPONSE:** The proposed development is a 39-lot subdivision for single family detached homes. Therefore, this section does not apply. However, it is noted that the proposed site plan includes sidewalks along the proposed streets to provide pedestrian access.

### *B. Maintenance*

*No building permit or other City permit shall be issued until plans for pedestrian ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter. Required ingress, egress and circulation improvements shall be kept clean and in good repair.*

**RESPONSE:** All proposed and approved circulation areas will be maintained in accordance with the requirements of this Section. The applicant has elected to defer Development Review submittal and is not proposing specific floor plans or building elevations at this time.

### *C. Joint Pedestrian Access*

*Two (2) or more uses, structures, or parcels of land may utilize the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfied the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use.*

**RESPONSE:** The proposed subdivision will support single-family detached homes. No shared uses or joint access locations are proposed; therefore, this Section is not applicable.

### *D. Connection to Streets*

- 1. Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways with paved sidewalk.*
- 2. Required private sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the public sidewalk or curb of the public street which provides required ingress and egress.*

**RESPONSE:** The proposed development provides public sidewalks throughout the subject site, along the proposed streets. Each dwelling will have continuous paved pedestrian access between the public sidewalk and the front door of the dwelling, by way of continuous paved driveways and patios or porches. This criterion is met.

***16.96.020 Minimum Residential Pedestrian Circulation Standards***

*Minimum standards for private, on-site pedestrian circulation improvements in residential developments:*

*A. Sidewalks, Pathways and Curbs*

- 1. Single Family Detached, middle housing types, and Manufactured Homes on Individual Residential Lot: No on-site sidewalks and curbs are required when not part of a proposed partition or subdivision. Pedestrian circulation standards for subdivisions and partitions are located in Section 16.106.060 Sidewalks. For cottage clusters, on-site pedestrian pathways are required consistent with Section 16.14.040.*

**RESPONSE:** The proposed development is for single family detached homes on individual residential lots. On-site sidewalks and curbs are provided, as shown on the Overall Street Plan on Sheet P4.0, included with this application.

- 2. Multi-family dwelling...*

**RESPONSE:** The proposed development does not include any multi-family dwelling structures. Therefore, this section does not apply.

***16.96.030 Minimum Non-Residential Pedestrian Circulation Standards***

**RESPONSE:** The proposed development is a 39-lot residential subdivision. Therefore, this section does not apply.

***16.96.040 General Requirements for On-Site Vehicle Circulation***

*A. Maintenance*

*No building permit or other City permit shall be issued until plans for vehicle ingress, egress and circulation have been approved by the City. Any change increasing any ingress, egress or circulation requirements, shall be a violation of this Code unless additional facilities are provided in accordance with this Chapter.*

**RESPONSE:** The applicant has elected to defer Development Review submittal and is not proposing specific floor plans or building elevations at this time. On-site circulation will meet the requirements of this section as described within, and per the submitted Design Modifications. The requirements of this section will be met.

*B. Joint Access*

*Two (2) or more uses, structures, or parcels of land are strongly encouraged to utilize jointly the same ingress and egress when the combined ingress and egress of all uses, structures, or parcels of land satisfy the other requirements of this Code, provided that satisfactory legal evidence is presented to the City in the form of deeds, easements, leases, or contracts to clearly establish the joint use. In some cases, the City may require a joint access to improve safety, vision clearance, site distance, and comply with access spacing standards for the applicable street classification.*

*C. Connection to Streets*

*Except for joint access per this Section, all ingress and egress to a use or parcel shall connect directly to a public street, excepting alleyways.*

**RESPONSE:** The proposed development connects directly into the public streets that abut the site including SW Locksley Lane, SW Copper Terrace and SW Derby Terrace, and extends the public street network throughout the development. Future stub street access is provided to Tax Lot 800. All new lots within the development will have direct individual access to the existing or new street network. This criterion is met.

*D. Maintenance of Required Improvements*

*Required vehicle ingress, egress and circulation improvements shall be kept clean and in good repair.*

**RESPONSE:** All vehicular circulation areas will be located either within public right-of-way and will be maintained by the City through its public works programs or will be located on individual lots and be subject to maintenance by individual future property owners.

*E. Service Drives*

*Service drives shall be provided pursuant to Section 16.94.030.*

**RESPONSE:** The proposed development does not include service drives. This criterion does not apply.

***16.96.050 Minimum Residential Vehicle Circulation Standards***

*Minimum standards for private, on-site vehicle circulation improvements in residential developments:*

*A. Driveways*

- 1. Single-Family Detached with or without an Accessory Dwelling Unit (ADU). One (1) driveway improved with hard surface pavement with a minimum width of ten (10)*

*feet and maximum width of 24 ft., not to exceed a grade of 14%. Lots with more than 60 ft. of frontage on a public street are permitted a maximum width of 30 ft. Permeable surfaces and planting strips between driveway ramps are encouraged in order to reduce stormwater runoff.*

**RESPONSE:** Each proposed single family detached unit will have a garage and driveway designed to meet the above criteria. Driveway locations will be included with the Residential Design Review after Land Use approval and will be designed to meet City standards. Indicative driveway locations are shown in the submitted plan set to demonstrate compliance with the applicable requirements, including street tree placement, and may be subject to change with the final home designs. This criterion will be met.

#### ***16.96.060 Minimum Non-Residential Vehicle Circulation Standards***

**RESPONSE:** The proposed subdivision is for single family residential homes. This section does not apply.

### **DIVISION VI. PUBLIC INFRASTRUCTURE**

#### **CHAPTER 16.104 GENERAL PROVISIONS**

##### ***16.104.010 Purpose***

*To ensure the health, safety, and the economic stability of the community, and to establish a quality system of public improvements, the City shall require any buildings or other development for which public facilities and public rights-of-way are not fully provided or improved to current City standards, to install said improvements. Except as otherwise provided or authorized, private improvements serving substantially the same function as equivalent public facilities shall generally be provided and improved to the standards established by this Code and other City regulations.*

*Green Street elements such as bioswales and porous pavement are encouraged where appropriate and feasible. Where a specific design standard supporting a green street concept is not included in the Engineering Design and Standard Details Manual (Engineering Design Manual), the design will be considered by the Engineering Department, provided additional documentation is provided to the Engineering Department that documents the design is appropriate, has a design life equal to a traditional paved street, and the maintenance costs to the City are comparable to traditional streets.*

##### ***16.104.020 Future Improvements***

*The location of future public improvements including water, sanitary sewer, storm water, streets, bicycle and pedestrian paths, and other public facilities and rights-of-way, as depicted in the Transportation System Plan (TSP) Chapters 4, 5, 6 and 7 of the Community Development Plan are intended as general locations only. The precise alignment and*

*location of a public improvement shall be established during the land use process and shall be depicted on public improvement plans submitted and approved pursuant to § 16.108 and other applicable sections of this Code.*

**RESPONSE:** All utilities will be available on site and individual service lines will be installed. The applicant has provided a Preliminary Composite Utility Plan (Sheet P5.0) and Preliminary Street Plan (Sheet P4.0) with the application packet. The requirements of this section are met.

**16.104.030 Improvement Procedures**

*Except as otherwise provided, all public improvements shall conform to City standards and specifications found in the Engineering Design Manual and installed in accordance with Chapter 16.108. The Council may establish additional specifications to supplement the standards of this Code and other applicable ordinances. Except for public projects constructed consistent with an existing facility plan, a public improvements shall not be undertaken until land use approval has been granted, a public improvement plan review fee has been paid, all improvement plans have been approved by the City, and an improvement permit has been issued.*

*The City shall work with an applicant for development to determine whether Sufficient Infrastructure will be provided, or can be provided, upon submittal of a middle housing development application.*

**RESPONSE:** All public improvements have been designed to conform to City standards and specifications. See Sheet P5.0 for the Preliminary Composite Utility Plan and Sheet P4.0 for the Preliminary Street Plan.

CHAPTER 16.106 TRANSPORTATION FACILITIES

**16.106.010 Generally**

*A. Creation*

*Public streets shall be created in accordance with provisions of this Chapter. Except as otherwise provided, all street improvements and rights-of-way shall conform to standards for the City's functional street classification, as shown on the Transportation System Plan (TSP) Map (Figure 17) and other applicable City standards. The following table depicts the guidelines for the street characteristics.*

<i>Type of Street</i>	<i>Right of Way Width</i>	<i>Number of Lanes</i>	<i>Minimum Lane Width</i>	<i>On Street Parking Width</i>	<i>Bike Lane Width</i>	<i>Sidewalk Width</i>	<i>Landscape Strip (exclusive of curb)</i>
<i>Local</i>	<i>52'</i>	<i>2</i>	<i>14'</i>	<i>8' on one side only</i>	<i>None</i>	<i>6'</i>	<i>5' with 1' buffer</i>

**RESPONSE:** All of the streets created by the proposed development are designated as local streets and conform to the City's standards as shown on the Preliminary Street Plan (Sheet P4.0) and Typical Street Sections (Sheet P4.1). It is noted that where development is extending or widening a street built using earlier City standards, the existing street section has been extended to the nearest intersection to enable a smooth transition between the varying standards.

*B. Street Naming*

- 1. All streets created by subdivision or partition will be named prior to submission of the final plat.*
- 2. Any street created by a public dedication shall be named prior to or upon acceptance of the deed of dedication.*
- 3. An action to name an unnamed street in the City may be initiated by the Council or by a person filing a petition as described in this Section.*
- 4. All streets named shall conform to the general requirements as outlined in this Section.*
- 5. At the request of the owner(s), the City may approve a private street name and address. Private streets are subject to the same street name standards as are public streets. All private street signs will be provided at the owner(s) expense.*

**RESPONSE:** All proposed streets are public streets. The proposed street names will be approved after preliminary Land Use Approval per the request of the City.

*C. Street Name Standards*

- 1. All streets named or renamed shall comply with the following criteria:*
  - a. Major streets and highways shall maintain a common name or number for the entire alignment.*
  - b. Whenever practicable, names as specified in this Section shall be utilized or retained.*
  - c. Hyphenated or exceptionally long names shall be avoided.*
  - d. Similar names such as Farview and Fairview or Salzman and Saltzman shall be avoided.*
  - e. Consideration shall be given to the continuation of the name of a street in another jurisdiction when it is extended into the City.*

2. *The following classifications (suffixes) shall be utilized in the assignment of all street names:*
  - a. *Boulevards: North/south arterials providing through traffic movement across the community.*
  - b. *Roads: East/west arterials providing through traffic movement across the community.*
  - c. *Avenues: Continuous, north/south collectors or extensions thereof.*
  - d. *Streets: Continuous, east-west collectors or extensions thereof.*
  - e. *Drives: Curvilinear collectors (less than 180 degrees) at least 1,000 feet in length or more.*
  - f. *Lanes: Short east/west local streets under 1,000 feet in length.*
  - g. *Terraces: short north/south local streets under 1,000 feet in length.*
  - h. *Court: All east/west cul-de-sacs*
  - i. *Place: All north/south cul-de-sacs.*
  - j. *Ways: All looped local streets (exceeding 180 degrees).*
  - k. *Parkway: A broad landscaped collector or arterial.*
3. *Except as provided for by this section, no street shall be given a name that is the same as, similar to, or pronounced the same as any other street in the City unless that street is an extension of an already-named street.*
4. *All proposed street names shall be approved, prior to use, by the City.*

#### *D. Preferred Street Names*

*Whenever practicable, historical names will be considered in the naming or renaming of public roads. Historical factors to be considered shall include, but not be limited to the following:*

1. *Original holders of Donation Land Claims in Sherwood.*
2. *Early homesteaders or settlers of Sherwood.*
3. *Heirs of original settlers or long-time (50 or more years) residents of Sherwood.*

4. *Explorers of or having to do with Sherwood.*
5. *Indian tribes of Washington County.*
6. *Early leaders and pioneers of eminence.*
7. *Names related to Sherwood's flora and fauna.*
8. *Names associated with the Robin Hood legend.*

**RESPONSE:** All proposed streets are public streets. The proposed street names will be approved after preliminary Land Use Approval per the request of the City.

#### ***16.106.020 Required Improvements***

##### *A. Generally*

*Except as otherwise provided, all developments containing or abutting an existing or proposed street, that is either unimproved or substandard in right-of-way width or improvement, shall dedicate the necessary right-of-way prior to the issuance of building permits and/or complete acceptable improvements prior to issuance of occupancy permits. Right-of-way requirements are based on functional classification of the street network as established in the Transportation System Plan, Figure 17.*

**RESPONSE:** The new local streets are designed according to City standards and will be extended to be consistent with the applicable local street standards, as modified by the submitted design exception requests. Therefore, these criteria are met.

##### *B. Existing Streets*

*Except as otherwise provided, when a development abuts an existing street, the improvements requirement shall apply to that portion of the street right-of-way located between the centerline of the right-of-way and the property line of the lot proposed for development. In no event shall a required street improvement for an existing street exceed a pavement width of thirty (30) feet.*

**RESPONSE:** All abutting existing streets are local streets which were designed to meet the previous City standards for local streets. SW Copper Terrace has a total right-of-way width of 53 feet, with 26.5 feet to the existing centerline on both sides. However, the City is requesting that the applicant dedicate an additional 11 feet of right-of-way to create 64 total feet of right-of-way, 37.5 feet of which will be located along the site frontage. The pavement width is also requested to be widened by 11 feet, creating a total of 38 feet from curb face to curb face, with 24 feet of pavement to centerline along the site frontage. This is less than 30 feet of pavement width along the site frontage, which is less than the maximum width.

The applicant is requesting a Design Modification for the curb-to-curb width of the extensions to the remaining existing streets and street stubs in order to maintain continuity and avoid driving hazards. This includes SW Cereghino Lane which currently has 34 feet of right-of-way, with 20 feet to the existing centerline on the south side, and 14 feet to centerline along the site frontage. The applicant proposes an additional 12 feet of right-of-way to create 46 total feet of right-of-way, 26 feet of which will be located along the site frontage. The pavement width is also requested to be widened by 5 feet, creating a total of 28 feet from curb face to curb face, with 14 feet of pavement to centerline along the site frontage. This is less than 30 feet of pavement width along the site frontage, which is less than the maximum width.

### *Proposed Streets*

1. *Except as otherwise provided, when a development includes or abuts a proposed street, in no event shall the required street improvement exceed a pavement width of forty (40) feet.*

**RESPONSE:** The proposed development includes one new proposed street, "Street A". The required street has a pavement width of 36 feet. This criterion is met.

2. *Half Streets: When a half street is created, a minimum of 22 feet of driving surface shall be provided by the developer.*

**RESPONSE:** The proposed development does not create any new half streets. This criterion does not apply.

### *C. Extent of Improvements*

1. *Streets required pursuant to this Chapter shall be dedicated and improved consistent with Chapter 6 of the Community Development Plan, the TSP and applicable City specifications included in the City of Sherwood Construction Standards. Streets shall include curbs, sidewalks, catch basins, street lights, and street trees. Improvements shall also include any bikeways designated on the Transportation System Plan map. Applicant may be required to dedicate land for required public improvements only when the exaction is directly related to and roughly proportional to the impact of the development, pursuant to Section 16.106.090.*

**RESPONSE:** Proposed right-of-way dedication and street improvements are shown within the submitted plan set, in particular Sheets P4.0, P4.1 and L1.0 and include curbs, sidewalks behind planter strips, drainage, streetlights and street trees. See Section 16.106.020 for Design Modifications, specifically in regards to the curb-to-curb width of the existing street extensions, which are proposed to continue the existing street sections until an appropriate transition point.

2. *If the applicant is required to provide street improvements, the City Engineer may accept a future improvements guarantee in lieu of street improvements if one or more of the following conditions exist, as determined by the City:*

- a. *A partial improvement is not feasible due to the inability to achieve proper design standards;*
- b. *A partial improvement may create a potential safety hazard to motorists or pedestrians.*
- c. *Due to the nature of existing development on adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide a significant improvement to street safety or capacity;*
- d. *The improvement would be in conflict with an adopted capital improvement plan;*
- e. *The improvement is associated with an approved land partition on property zoned residential use and the proposed land partition does not create any new streets; or*
- f. *Additional planning work is required to define the appropriate design standards for the street and the application is for a project that would contribute only a minor portion of the anticipated future traffic on the street.*

**RESPONSE:** The City of Sherwood has not indicated that a fee-in-lieu of frontage improvements may be required along any of the existing streets abutting the development. However, the applicant will provide fee-in-lieu or physical improvements as required by the City engineer. Therefore, this criterion is met.

*D. Transportation Facilities Modifications*

- 1. *A modification to a standard contained within this Chapter and Section 16.58.010 and the standard cross sections contained in Chapter 8 of the adopted TSP may be granted in accordance with the procedures and criteria set out in this section.*

**RESPONSE:** The applicant is requesting two transportation facility modifications to the following standards within this Chapter, Section 16.58.010, and the standard cross sections contained in Chapter 8 of the adopted Transportation System Plan.

- 2. *A modification request concerns a deviation from the general design standards for public facilities, in this Chapter, Section 16.58.010, or Chapter 8 in the adopted Transportation System Plan. The standards that may be modified include but are not limited to:*
  - a. *Reduced sight distances.*
  - b. *Vertical alignment.*
  - c. *Horizontal alignment.*
  - d. *Geometric design (length, width, bulb radius, etc.).*
  - e. *Design speed.*

- f. *Crossroads.*
- g. *Access policy.*
- h. *A proposed alternative design which provides a plan superior to these standards.*
- i. *Low impact development.*
- j. *Access Management Plans*

**RESPONSE:** The requested design modifications include: a reduction in the minimum intersection spacing for Street “A” between SW Copper Terrace and SW Oxford Terrace; and a reduction in the curb to curb width for the following local streets: SW Locksley Lane, SW Oxford Terrace, SW Cereghino Lane and SW Derby Terrace north of SW Locksley Lane.

City staff have also identified concerns with the maximum block length for SW Derby Lane/ SW Cereghino Lane and street connectivity standards between SW Derby Lane and SW Elwert Road. These items are also addressed below.

### 3. *Modification Procedure*

- a. *A modification shall be proposed with the application for land use approval.*
- b. *A modification is processed as a Type II application. Modification requests shall be processed in conjunction with the underlying development proposal.*
- c. *When a modification is requested to provide a green street element that is not included in the Engineering Design Manual, the modification process will apply, but the modification fee will be waived.*

**RESPONSE:** The applicant has included two proposed Type II Design Modifications to be processed in conjunction with the 39-Lot Subdivision application.

- 4. *Criteria for Modification: Modifications may be granted when criterion 4a and any one of criteria 4b through 4e are met:*
  - a. *Consideration shall be given to public safety, durability, cost of maintenance, function, appearance, and other appropriate factors to advance the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole. Any modification shall be the minimum necessary to alleviate the hardship or disproportional impact.*

**RESPONSE:** Responses for the individual modification requests and the two additional areas of concern are identified below.

### **Minimum Intersection Spacing between SW Oxford Terr & SW Copper Terr along Street A**

SW Copper Terrace, an existing City neighborhood route, is located along the eastern boundary of the project site. Proposed Street “A” provides access to the site from SW Copper Terrace, and in turn intersects with the extension of SW Oxford Terrace 159 feet west of SW Copper Terrace

(centerline of SW Copper Terrace to centerline of SW Oxford Terrace). Street “A” is proposed as a local street. SW Oxford Terrace is an existing local street.

Section 210.6.E. of the City of Sherwood Engineering Manual requires full access intersection spacing of a minimum of 200 feet for local streets and neighborhood routes. Section 210.6.E.1. of the City of Sherwood Engineering Manual states that “Distance between streets is measured from the centerline of the subject street to the centerline of the adjacent street”. This design modification requests a spacing of 159 feet between the intersections of SW Copper Terrace and SW Oxford Terrace along Street ‘A’.

Relocation of the intersection would significantly impact the developable areas of the site, and would provide compromise additional intersections adjoining the development. The request meets the requirements of Subsection 4.a., and the goals of the adopted Sherwood Comprehensive Plan and Transportation System Plan as a whole.

### **Request to Reduce the Minimum Curb-to-Curb Width on Local Streets**

The City of Sherwood Ordinance 2022-005 mending sections of the transportation system plan requires a minimum curb to curb width of 36 feet for residential streets. The applicant is requesting a design modification for a 28-foot curb to curb width on SW Locksley Lane, SW Oxford Terrace, SW Cerghino Lane and SW Derby Terrace north of SW Locksley Lane. SW Derby Terrace, SW Locksley Lane, and SW Oxford Terrace are existing local streets that stub to the project site with curb-to-curb widths of 28 feet. These streets were developed prior to the City Ordinance 2022-005 when a 28-foot street width was accepted as City standard. This modification specifically advances the Goal 12: Transportation, Goal 1, Policy 1.6 of the Sherwood Comprehensive Plan which states “Prioritize incorporation of street design features and techniques that promote safe and comfortable travel by pedestrians, cyclists, emergency responders, transit users and motorists based on street context and function”. The proposed reduction in the street width will allow the curb to curb width to be maintained and match the existing street stubs until an appropriate transition point, thus maintaining street design consistency and clarity for motorists. Adherence to the required 36-foot curb to curb requirement would require mid-street transitions in width, creating an inconsistent streetscape. Due to the existing conditions of SW Cerghino Lane, widening to a 36-foot curb width along the project frontage would create an inconsistent streetscape from one side of the intersection to the other and would require the applicant to over-dedicate right-of-way beyond the centerline.

As described in the submitted “Design Modification Request to Reduce the Minimum Curb-to-Curb Width on Local Streets”, to meet a 36-foot curb-to-curb paved width requirement, SW Derby Terrace, SW Locksley Lane, and SW Oxford Terrace would be required to have mid-street transitions in width, creating an inconsistent streetscape for motorists and cyclists, causing confusion and potentially hazardous conditions. Instead, this design modification proposes maintaining the existing curb-to-curb width to an appropriate transition point like an intersection. Further, the additional right-of-way dedication from the unnecessary street widening would result in losing at least two lots and a loss of density, create increased imperviousness, and require even larger stormwater management facilities. This request is consistent with Subsection 4.a. above.

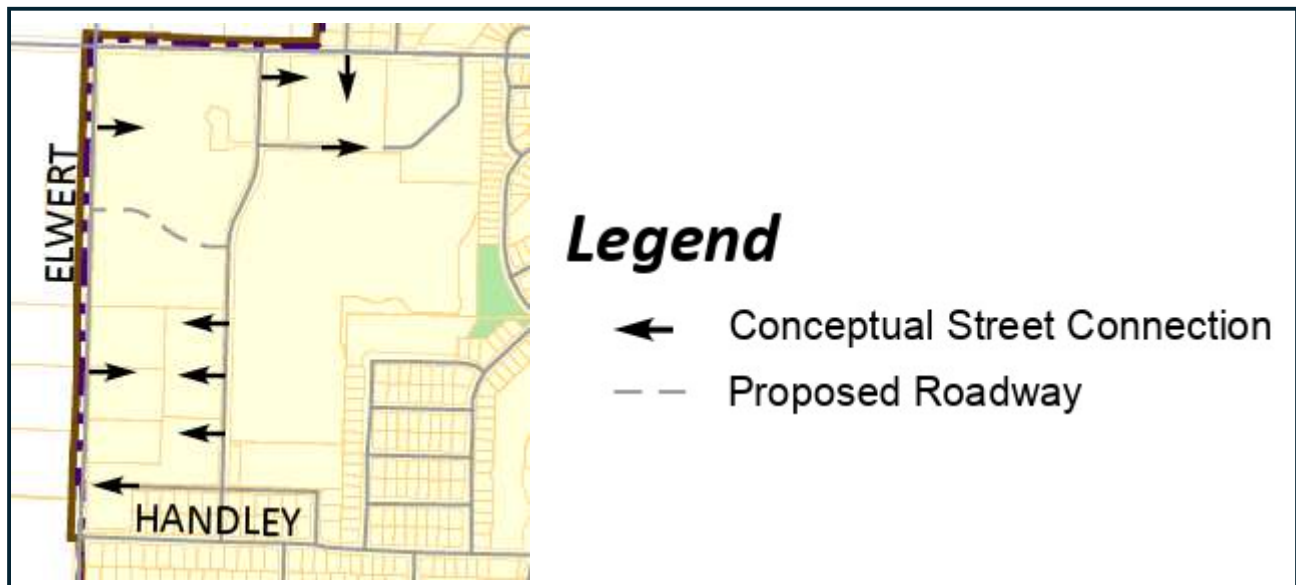
## Local Street Connectivity

The Local Street Connectivity Map (Figure 18) from the City of Sherwood Transportation System shows one Conceptual Street Connection north of SW Handley Street connecting into SW Elwert Road between SW Elwert Road and SW Copper Terrace. According to the Sherwood Engineering Design Standards Manual Section 210.6, the minimum intersection spacing for a Minor Arterial is 600 feet. The distance between SW Handley Street and the proposed Street A (were it to be pushed through to SW Elwert Road) is approximately 509 feet, which would not meet the City Engineering Standards for intersection spacing. Alternatively, these roads connect to the extension of SW Derby Terrace from the Daybreak subdivision to the north instead of SW Elwert Road, minimizing access points along the minor arterial.

A design modification is not required based on adherence to conceptual connections in the Local Street Connectivity Map contained in the Transportation System Plan. As stated in the Transportation System Plan:

*A local connectivity plan for Sherwood is shown in Figure 18. It specifies the general location where new local streets could potentially be installed as nearby areas are developed or as the opportunity arises. The conceptual locations shown consider block length and access spacing requirements but do not necessarily reflect develop-ability due to topographic, environmental or manmade constraints. Locations identified are conceptual and must still go through City review to determine the appropriate location for a local street connection in the vicinity.*

These Conceptual connections are, as described above, only potential connections, and do not consider actual developability, nor are they locations approved for access. Those locations where connectivity is mandated are identified as a “Proposed Roadway”. It is noted that the “Proposed Roadway” identified to the north of the site was not developed as part of the Daybreak of Mandel Farms developments. The City has also previously indicated that connections to SW Elwert Road from the subject site would not be permitted, consistent with this approach.

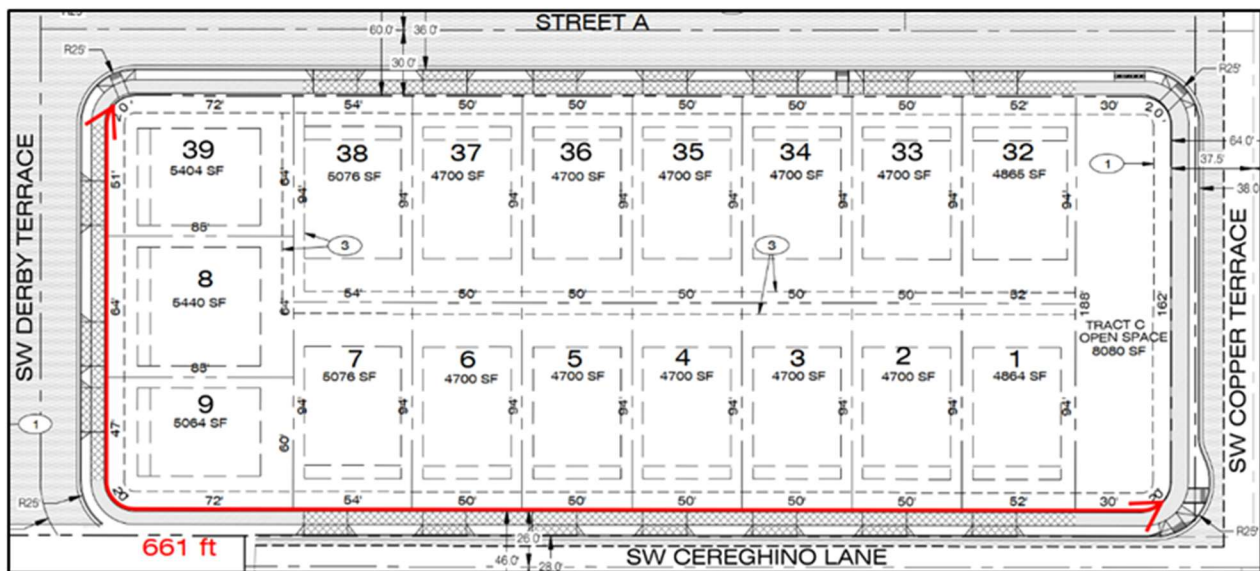


This modification specifically advances Goal 12: Transportation, Goal 2, Policy 2.1 of the Sherwood Comprehensive Plan which states “Develop a transportation system that is consistent with the City’s adopted Comprehensive land use plan and with the adopted plans of state, local and regional jurisdictions”. The proposed street layout may not adhere to the Local Street Connectivity Map (Figure 18) of the City of Sherwood Transportation System, but the proposed street layout does adhere to the City of Sherwood Public Works Design Standards in Section 210 for access spacing on a Minor Arterial road, and remains consistent with the Washington County Transportation System Plan.

**Block Length for SW Derby Terrace/ SW Cereghino Lane (exceeds 530 ft)**

The proposed development creates 2 new interior blocks: one is SW Cereghino Lane to Street A and the other is between Street A and SW Locksley Lane. As measured along the nearside right-of-way line from north to south, the length of the first proposed block is 188 feet and the length of the second block is 176 feet. If measured from east to west the first block is 482 feet and the second is 337 feet.

The City has indicated that the block length is measured from the intersection of SW Copper Terrace & SW Cereghino Lane to the intersection of Street A and SW Derby Terrace (see image below). Based on this definition, the block length is approximately 661 feet (see image below). A design modification has therefore been requested to address the exceeding block length. See Section 16.128.010 for block length requirements. The applicant notes, however, that the intersection of SW Derby Terrace and SW Cereghino Lane will be completed with the eventual development of Tax Lot 800, which is served by stubs from both streets. It is anticipated that Tax lot 800 will be required to provide additional pedestrian and/or vehicular connectivity at the time of development (as shown on Sheet P6.0), and as such the block formed by SW Derby Terrace and SW Cereghino Lane (as defined by City staff) is an interim condition only, which will meet block length requirements with reasonably foreseeable future development. This is a standard scenario of much urban development, and does not necessitate a design exception.



- b. *Topography, right-of-way, existing construction or physical conditions, or other geographic conditions impose an unusual hardship on the applicant, and an equivalent alternative which can accomplish the same design purpose is available.*

**RESPONSE:** Responses for the individual modification requests are identified below.

### **Minimum Intersection Spacing between SW Oxford Terr & SW Copper Terr along Street A**

SW Copper Terrace, an existing City neighborhood route, is located along the eastern boundary of the project site. Proposed Street “A” provides access to the site from SW Copper Terrace, and in turn intersects with the extension of SW Oxford Terrace 159 feet west of SW Copper Terrace (centerline of SW Copper Terrace to centerline of SW Oxford Terrace). Street “A” is proposed as a local street. SW Oxford Terrace is an existing local street.

The existing locations of both SW Copper Terrace and SW Oxford Terrace limit the options for the intersection location. Any lengthening of SW Oxford Street and movement of Street A to the south to increase the intersection spacing would lead to a significant reduction in the resultant net buildable areas of the site thus imposing an unusual hardship on the applicant, based on existing streets stubbing into the site which do not currently meet the access spacing standards. Further, since the streets were constructed, a change in the City of Sherwood street design standards has meant exacerbated the potential intersection offset, by widening SW Copper Terrace. This constitutes an existing circumstance which, if the standard were to be applied to its fullest, would subject the applicant to unreasonable and unusual hardship, meeting the requirements of this Section.

### **Request to Reduce the Minimum Curb-to-Curb Width on Local Streets**

The City of Sherwood Ordinance 2022-005 amending sections of the transportation system plan requires a minimum curb to curb width of 36 feet for residential streets. The applicant is requesting a design modification for a 28-foot curb to curb width on SW Locksley Lane, SW Oxford Terrace, SW Cereghino Lane and SW Derby Terrace north of SW Locksley Lane. SW Derby Terrace, SW Locksley Lane, and SW Oxford Terrace are existing local streets that stub to the project site with curb-to-curb widths of 28 feet. These streets were developed prior to the City Ordinance 2022-005 when the 28-foot street width was City standard.

The proposed reduction in the street width will allow the curb to curb width to be maintained and match the existing street stubs until an appropriate transition point, thus maintaining street design consistency and clarity for motorists. Adherence to the required 36-foot curb to curb requirement would require mid-street transitions in width, creating an inconsistent streetscape. Due to the existing conditions of SW Cereghino Lane, widening to a 36-foot curb width along the project frontage would create an inconsistent streetscape from one side of the intersection to the other and would require the applicant to over-dedicate right-of-way beyond the centerline.

Overall, the widening of the subject streets through the site to the Current City standard would result in the loss of up to 2 lots due to a reduction in the average lot size. This reduction, especially when combined with the reduction in density already resulting through increased City exactions, is

a change in standards which subjects the applicant to unreasonable and unusual hardship, meeting the requirements of this Section.

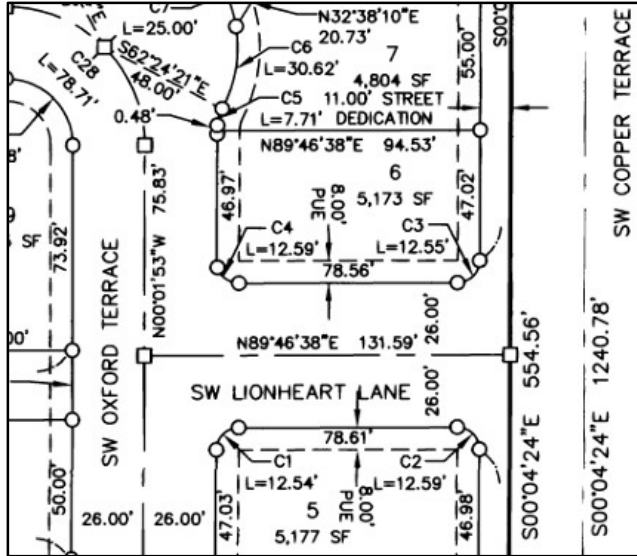
- c. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship. Self-imposed hardships shall not be used as a reason to grant a modification request.*

**RESPONSE:** Both of the requested design modifications are minor changes to the existing standard. With regard to the minimum intersection spacing between SW Oxford Terrace & SW Copper Terrace along Street A, the change to the intersection spacing distance is 41 feet, from 200 feet to 159 feet. Or approximately 2 car lengths in a standing queue. This is considered to be a minor modification. With regard to the request to reduce the minimum curb-to-curb width on local streets, the applicant is simply requesting to match the existing width of street stubs entering the property. However, the additional width is not proposed to create additional operational safety, as it will result in travel lanes of 14 feet in each direction in either case. The widening is simply to add a minimal amount of on-street parking while resulting in a loss in density of 2 units. The elimination of off-street parking, which is not otherwise required to be provided, is a minor change.

Each of the above circumstances constitutes a response to an existing circumstance which, if the standard were to be applied to its fullest, would subject the applicant to unreasonable and unusual hardship, meeting the requirements of this Section.

- d. An alternative design is proposed which will provide a plan equal to or superior to the existing street standards.*

**RESPONSE:** With regard to the minimum intersection spacing between SW Oxford Terrace & SW Copper Terrace along Street A, the access spacing has been determined by the location of the existing streets, which in and of themselves do not meet the minimum spacing standards. As such, approval of the design modification will result in a plan equal to the existing situation. This is evident through the existing intersection spacing between SW Oxford Terrace & SW Copper Terrace along SW Lionheart Lane, approximately 400 feet north of Street A, which has an intersection spacing of approximately 158 feet.



Similarly, with regard to the request to reduce the minimum curb-to-curb width on local streets, the applicant proposes to continue the existing street section consistent with its original approved section, again resulting in a plan which is equal to the existing as-built standards.

*e. Application of the standards of this chapter to the development would be grossly disproportional to the impacts created.*

**RESPONSE:** Overall, the widening of the subject streets through the site to the Current City standard, in addition to relocation of the proposed intersection would result in the loss of a minimum of 2 lots due to a reduction in developable area, reducing the average lot size. This reduction, especially when combined with the reduction in density already resulting through increased City exactions, is grossly disproportional to the impacts created, which are no more than a continuation of the existing street sections and intersection spacing patterns. Gaining a maximum of 6 on-street parking spaces across the development in no way redresses this disproportional exaction, especially given the on-street parking is not a requirement of the Sherwood Municipal Code.

### **16.106.030 Location**

#### *A. Generally*

*The location, width and grade of streets shall be considered in their relation to existing and planned streets, topographical conditions, and proposed land uses. The proposed street system shall provide adequate, convenient and safe traffic and pedestrian circulation, and intersection angles, grades, tangents, and curves shall be adequate for expected traffic volumes. Street alignments shall be consistent with solar access requirements as per Chapter 16.156, and topographical considerations.*

**RESPONSE:** The proposed development and associated street improvements have been designed and located to provide City standard access to each of the planned lots; to meet local street standards; and to extend existing street stubs through the site in a logical manner. The existing

streets (SW Locksley Lane, SW Oxford Terrace and SW Derby Terrace) dictate to a large degree the circulation system within the site, including intersection angles, grades, tangents and curves and therefore lot orientation. Adequate, convenient and safe pedestrian circulation is provided through public sidewalks.

*B. Street Connectivity and Future Street Systems*

1. *Future Street Systems. The arrangement of public streets shall provide for the continuation and establishment of future street systems as shown on the Local Street Connectivity Map contained in the adopted Transportation System Plan (Figure 16).*
2. *Connectivity Map Required. New residential, commercial, and mixed use development involving the construction of new streets shall be submitted with a site plan that implements, responds to and expands on the Local Street Connectivity map contained in the TSP.*
  - a. *A project is deemed to be consistent with the Local Street Connectivity map when it provides a street connection in the general vicinity of the connection(s) shown on the map, or where such connection is not practicable due to topography or other physical constraints; it shall provide an alternate connection approved by the decision-maker.*
  - b. *Where a developer does not control all of the land that is necessary to complete a planned street connection, the development shall provide for as much of the designated connection as practicable and not prevent the street from continuing in the future.*
  - c. *Where a development is disproportionately impacted by a required street connection, or it provides more than its proportionate share of street improvements along property line (i.e., by building more than 3/4 width street), the developer shall be entitled to System Development charge credits, as determined by the City Engineer.*
  - d. *Driveways that are more than 24 feet in width shall align with existing streets or planned streets as shown in the Local Street Connectivity Map in the adopted Transportation System Plan (Figure 17), except where prevented by topography, rail lines, freeways, pre-existing development, or leases, easements, or covenants.*

**RESPONSE:** Street connectivity is maintained throughout the site by connecting into the existing street stubs that abut the property. See Section 16.106.020 for a discussion of the conceptual street connections to SW Elwert Road north of SW Handley Lane, as shown on Figure 18 of the Transportation System Plan.

3. *Block Length. For new streets except arterials, block length shall not exceed 530 feet. The length of blocks adjacent to arterials shall not exceed 1,800 feet.*

**RESPONSE:** The proposed development creates 2 new interior blocks: One is the north side of SW Cereghino Lane between SW Copper Terrace and SW Derby Terrace; the other is Street A between SW Oxford Terrace and SW Derby Terrace. As measured along the nearside right-of-way line from east to west, the length of the SW Cereghino Lane block is 482 feet and the length of the Street A block is 337 feet. Both blocks meet the maximum block length standard, depending on the definition of “block length” used.

The Sherwood Zoning and Community Development Code does not include a written definition of a “block length”, although the Standard Block portion of Figure 7.401 – Block Connectivity does differentiate between block “length” and block “width”:



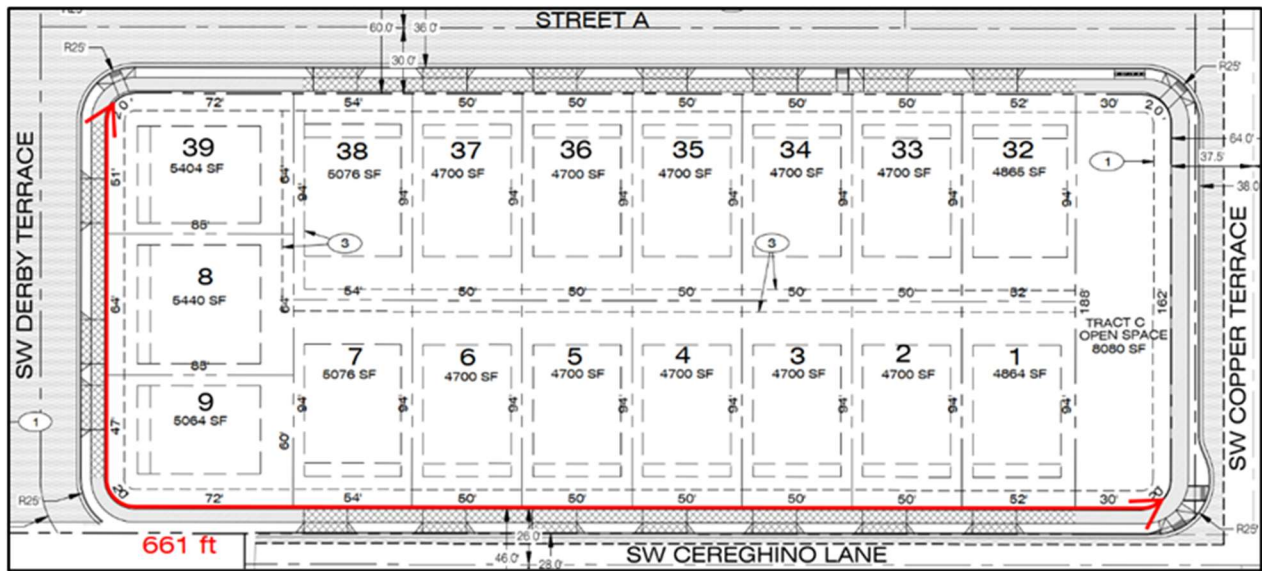
Consistent with Section 16.10.010 of the SZCDC, Webster's Third New International Dictionary includes a definition of “Block” as follows:

- 6 a (1): *a usually rectangular space (as in a city) enclosed by streets and occupied by or intended for buildings*  
She lived on our block.
- (2): *the distance along one of the sides of such a block*  
The store is two *blocks* down on the right.  
lived a *block* away from the school

In this case, the correct definition of a block is *the distance along one of the sides of such a block*.

City staff have, however, defined a block to be the combined north-south and east-west portions of a perimeter block, incorporating both the block “length” and block “width” above. Using this definition, the block length of SW Cereghino Lane is measured from the intersection of SW Copper

Terrace & SW Cereghino Lane to the intersection of Street A and SW Derby Terrace (see image below). Based on this definition, the block length is approximately 661 feet (see image below). The applicant notes, however, that the intersection of SW Derby Terrace and SW Cereghino Lane will be completed with the eventual development of Tax Lot 800, which is served by stubs from both streets. It is anticipated that Tax lot 800 will be required to provide additional pedestrian and/or vehicular connectivity at the time of development (as shown on Sheet P6.0), and as such the block formed by SW Derby Terrace and SW Cereghino Lane (as defined by City staff) is an interim condition only, which will meet block length requirements with reasonably foreseeable future development. Taking into account the definition of a “block length” and the interim nature of the condition, no design modification is required.



Similarly, the block length of Street A is measured from the intersection of SW Oxford Terrace and Street A to the intersection of SW Derby Terrace and SW Locksley Lane. Based on this definition, the block length is approximately 513 feet and is less than the minimum block length.

4. *Where streets must cross water features identified in Title 3 of the Urban Growth Management Functional Plan (UGMFP), provide crossings at an average spacing of 800 to 1,200 feet, unless habitat quality or length of crossing prevents a full street connection.*

**RESPONSE:** This development does not include a street crossing over water features. This criterion does not apply.

5. *Where full street connections over water features identified in Title 3 of the UGMFP cannot be constructed in centers, main streets and station communities (including direct connections from adjacent neighborhoods), or spacing of full street crossings exceeds 1,200 feet, provide bicycle and pedestrian crossings at an average spacing of 530 feet, unless exceptional habitat quality or length of crossing prevents a connection.*

**RESPONSE:** No water features are identified in Title 3 of the UGMFP located on the subject site. This criterion does not apply.

6. *Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways consistent with cross section standards in Figure 8-6 of the TSP shall be provided on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than 300 feet. Multi-use paths shall be built according to the Pedestrian and Bike Master Plans in the adopted TSP.*

**RESPONSE:** Sidewalks are provided along the proposed and existing streets within the site, with design and construction to meet the requirements above. This criterion is met.

7. *Exceptions. Streets, bike, and pedestrian connections need not be constructed when any of the following conditions exists:*
  - a. *Physical or topographic conditions make a street or accessway connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided.*
  - b. *Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or*
  - c. *Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.*

**RESPONSE:** Street and pedestrian connections cannot be created between the end of SW Derby Terrace and SW Cereghino Lane at the southwestern corner of the site at this time. The area in which would be used to connect the two roads is located outside of the subject site, however street stubs will be provided to ensure the ability to connect the through street at the time of future development. These criteria are met.

#### *C. Underground Utilities*

*All public and private underground utilities, including sanitary sewers and storm water drains, shall be constructed prior to the surfacing of streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.*

**RESPONSE:** Public and private utilities are proposed to be located underground with the construction of streets and accessways through the site. See the Preliminary Composite Utility Plan (Sheet P5.0) of the included plan set. This criterion is met.

#### *D. Additional Setbacks*

*Generally additional setbacks apply when the width of a street right-of-way abutting a development is less than the standard width under the functional classifications in Section VI of the Community Development Plan. Additional setbacks are intended to provide unobstructed area for future street right-of-way dedication and improvements, in conformance with Section VI. Additional setbacks shall be measured at right angles from the centerline of the street.*

	<i>Classification</i>	<i>Additional Setback</i>
1.	<i>Principle Arterial (99W)</i>	<i>61 feet</i>
2.	<i>Arterial</i>	<i>37 feet</i>
3.	<i>Collector</i>	<i>32 feet</i>
4.	<i>Neighborhood Route</i>	<i>32 feet</i>
5.	<i>Local</i>	<i>26 feet</i>

**RESPONSE:** All of the new and abutting local streets meet or exceed the standard width under the functional classification in Section VI of the Community Development Plan. SW Elwert Road, located along the western frontage, is classified as a county minor arterial street. The distance between the road centerline and Tract B is 45 feet as shown on the Preliminary Plat, meeting the ½ street requirement for a 3-lane arterial. This criterion is met.

**16.106.040 Design**

*Standard cross sections showing street design and pavement dimensions are located in the City of Sherwood's Engineering Design Manual.*

*A. Reserve Strips*

*Reserve strips or street plugs controlling access or extensions to streets are not allowed unless necessary for the protection of the public welfare or of substantial property rights. All reserve strips shall be dedicated to the appropriate jurisdiction that maintains the street.*

**RESPONSE:** No reserve strips or street plugs are proposed as part of this development. Therefore, this criterion is met.

*B. Alignment*

*All proposed streets shall, as far as practicable, be in alignment with existing streets. In no case shall the staggering of streets create a "T" intersection or a dangerous condition. Street offsets of less than one hundred (100) feet are not allowed.*

**RESPONSE:** As shown on the submitted plan set, there are no specific public street intersections proposed which would create offsets, therefore this criterion is met.

*C. Future Extension*

*Where necessary to access or permit future subdivision or development of adjoining land, streets must extend to the boundary of the proposed development and provide the required roadway width. Dead-end streets less than 100' in length must comply with the Engineering Design Manual.*

*A durable sign must be installed at the applicant's expense. The sign is required to notify the public of the intent to construct future streets. The sign must read as follows: "This road will be extended with future development. For more information contact the City of Sherwood Engineering Department."*

**RESPONSE:** The subject site provides future access to adjoining properties. Specifically, street stubs are provided to the abutting Tax Lot 800 in the southwestern corner. SW Derby Terrace extends to the boundary of the proposed development and provides the required roadway width for a local street. This criterion is met.

*D. Intersection Angles*

*Streets shall intersect as near to ninety (90) degree angles as practical, except where topography requires a lesser angle. In all cases, the applicant shall comply with the Engineering Design Manual.*

**RESPONSE:** SW Derby Terrace, SW Locksley Lane and SW Oxford Terrace are extended from existing street stubs. All of the proposed roadways intersect at approximately ninety degrees. This criterion is met.

*E. Cul-de-sacs*

**RESPONSE:** The proposed subdivision does not include any cul-de-sacs. This criterion does not apply.

*F. Grades and Curves*

*Grades shall be evaluated by the City Engineer and comply with the Engineering Design Manual.*

**RESPONSE:** All street grades within the development have been designed in accordance with the applicable City standards. See Preliminary Street Profiles (Sheets P4.2 – P4.6) of the included plan set. This criterion is met.

*G. Streets Adjacent to Railroads*

**RESPONSE:** The proposed subdivision does not include any streets that are adjacent to railroads. This criterion does not apply.

*H. Buffering of Major Streets*

*Where a development abuts Highway 99W, or an existing or proposed principal arterial, arterial or collector street, or neighborhood route, adequate protection for residential properties must be provided, through and local traffic be separated, and traffic conflicts minimized. In addition, visual corridors pursuant to Section 16.142.040, and all applicable access provisions of Chapter 16.96, are to be met. Buffering may be achieved by: parallel access streets, lots of extra depth abutting the major street with frontage along another street, or other treatment suitable to meet the objectives of this Code.*

**RESPONSE:** The subject site abuts SW Elwert Road, a county arterial street. All lots within the development are buffered from SW Elwert Road by the 15-foot landscaped visual corridor required along SW Elwert Road, and no additional buffering is required. As such, this criterion is met.

*I. Median Islands*

*As illustrated in the adopted Transportation System Plan, Chapter 8, median islands may be required on arterial or collector streets for the purpose of controlling access, providing pedestrian safety or for aesthetic purposes.*

**RESPONSE:** Frontage improvements along SW Elwert Road are not proposed to include a median. Accordingly, this criterion is not applicable.

*J. Transit Facilities*

*Development along an existing or proposed transit route, as illustrated in Figure 7-2 in the TSP, is required to provide areas and facilities for bus turnouts, shelters, and other transit-related facilities to Tri-Met specifications. Transit facilities shall also meet the following requirements:*

**RESPONSE:** None of the roads within or abutting the subject site are identified as existing or proposed transit routes with either the City of Sherwood or Washington County. Therefore, these criteria criterion do not apply.

*K. Traffic Controls*

- 1. Pursuant to Section 16.106.080, or as otherwise required by the City Engineer, an application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.*
- 2. For all other proposed developments including commercial, industrial or institutional uses with over an estimated 400 ADT, or as otherwise required by the City Engineer, the application must include a traffic impact analysis to determine the number and types of traffic controls necessary to accommodate anticipated traffic flow.*

**RESPONSE:** No traffic controls have been identified as required or proposed for this development. Therefore, this criterion does not apply.

*L. Traffic Calming*

1. *The following roadway design features, including internal circulation drives, may be required by the City in new construction in areas where traffic calming needs are anticipated:*
  - a. *Curb extensions (bulb-outs).*
  - b. *Traffic diverters/circles.*
  - c. *Alternative paving and painting patterns.*
  - d. *Raised crosswalks, speed humps, and pedestrian refuges.*
  - e. *Other methods demonstrated as effective through peer reviewed Engineering studies.*

**RESPONSE:** The City has not indicated a need for traffic calming in the vicinity of the subject site.

2. *With approval of the City Engineer, traffic calming measures such as speed humps and additional stop signs can be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street construction unless approved by the City Engineer and Tualatin Valley Fire & Rescue.*

**RESPONSE:** No specific or new traffic calming measures have been identified as required or proposed for this development. Therefore, this section does not apply.

*M. Vehicular Access Management*

*All developments shall have legal access to a public road. Access onto public streets shall be permitted upon demonstration of compliance with the provisions of adopted street standards in the Engineering Design Manual.*

1. *Measurement: See the following access diagram where R/W = Right-of-Way; and P.I. = Point-of-Intersection where P.I. shall be located based upon a 90 degree angle of intersection between ultimate right-of-way lines.*
  - a. *Minimum right-of-way radius at intersections shall conform to City standards.*
  - b. *All minimum distances stated in the following sections shall be governed by sight distance requirements according to the Engineering Design Manual.*
  - c. *All minimum distances stated in the following sections shall be measured to the nearest easement line of the access or edge of travel lane of the access on both sides of the road.*
  - d. *All minimum distances between accesses shall be measured from existing or approved accesses on both sides of the road.*
  - e. *Minimum spacing between driveways shall be measured from Point "C" to Point "C" as shown below:*

**RESPONSE:** The proposed development has access to multiple public roads. All roads within the subdivision have been designed to meet City standards including those listed above. Driveway locations will be determined after Land Use Approval and will meet City requirements.

2. *Roadway Access*

*No use will be permitted to have direct access to a street or road except as specified below. Access spacing shall be measured from existing or approved accesses on either side of a street or road. The lowest functional classification street available to the legal lot, including alleys within a public easement, shall take precedence for new access points.*

a. *Local Streets:*

*Minimum right-of-way radius is fifteen (15) feet. Access will not be permitted within ten (10) feet of Point "B," if no radius exists, access will not be permitted within twenty-five (25) feet of Point "A." Access points near an intersection with a Neighborhood Route, Collector or Arterial shall be located beyond the influence of standing queues of the intersection in accordance with AASHTO standards. This requirement may result in access spacing greater than ten (10) feet.*

**RESPONSE:** All of the roadways within the proposed subdivision are extensions of existing streets designated as local streets. No additional access is proposed, aside from the lot driveways which will be designed to meet City standards.

b. *Neighborhood Routes...*

c. *Collectors...*

d. *Arterials and Highway 99W - Points of ingress or egress to and from Highway 99W and arterials designated on the Transportation Plan Map, attached as Figure 1 of the Community Development Plan, Part II, shall be limited as follows:*

- (1) *Single family detached dwellings, middle housing dwellings, and manufactured homes on individual residential lots developed after the effective date of this Code shall not be granted permanent driveway ingress or egress from Highway 99W or arterials. If alternative public access is not available at the time of development, provisions shall be made for temporary access which shall be discontinued upon the availability of alternative access.*

**RESPONSE:** Access to SW Elwert Road is prohibited for single family detached dwellings in accordance with this section. None of the proposed lots will access SW Elwert Road, therefore these criteria do not further apply.

3. *Exceptions to Access Criteria for City-Owned Streets*

- a. *Alternate points of access may be allowed if an access management plan which maintains the classified function and integrity of the applicable facility is submitted to and approved by the City Engineer as the access management plan must be included as part of the land use submittal or an application for modification as described in § 16.106.020 E. (Transportation Facilities Modifications).*
- b. *Access in the Old Town (OT) Overlay Zone*  
*Access points in the OT Overlay Zone shown in an adopted plan such as the Transportation System Plan, are not subject to the access spacing standards and do not need a variance. However, the applicant shall submit a partial access management plan for approval by the City Engineer. The approved plan shall be implemented as a condition of development approval.*

**RESPONSE:** The submitted plans for this application demonstrate that the vehicular access management standards are met. All street access points, including the north and south ends of the extension of SW Derby Terrace, meet the required City access spacing standards and are located as shown on the plans submitted. The site does not access SW Elwert Road and is not within the Old Town Overlay Zone, Therefore, the applicable criteria are met.

#### *N. Private Streets*

1. *The construction of a private street serving a single-family residential development is prohibited unless it provides principal access to two or fewer residential lots or parcels (i.e. flag lots).*
2. *Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan.*
3. *A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records.*
4. *A private street shall also be signed differently from public streets and include the words "Private Street".*

**RESPONSE:** The proposed development does not include any Private Streets. Therefore, these criteria do not apply.

#### **16.106.060 Sidewalks**

##### *A. Required Improvements*

1. *Except as otherwise provided, sidewalks shall be installed on both sides of a public street and in any special pedestrian way within new development.*
2. *For Highway 99W, arterials, or in special industrial districts, the City Manager or designee may approve a development without sidewalks if alternative pedestrian routes are available.*
3. *In the case of approved cul-de-sacs serving less than fifteen (15) dwelling units, sidewalks on one side only may be approved by the City Manager or designee.*

**RESPONSE:** As shown on the submitted plan set, sidewalks meeting city local and neighborhood street standards are provided along all of the roads within the subject site. Additionally, an 8-foot sidewalk will be provided along the subject site's frontage of SW Elwert Road and SW Copper Terrace. See street Typical Sections (Sheet P4.1). Accordingly, these criteria are met. The site design does not include any cul-de-sacs.

#### *B. Design Standards*

##### *1. Arterial and Collector Streets*

*Arterial and collector streets shall have minimum six (6) or eight (8) foot wide sidewalks/multi-use paths, located as required by this Code. Residential areas shall have a minimum of a six (6) foot wide sidewalk and commercial industrial areas shall have a minimum of an eight (8) foot wide sidewalk.*

##### *2. Local Streets*

*Local streets shall have minimum five (5) foot wide sidewalks, located as required by this Code.*

##### *3. Handicapped Ramps*

*Sidewalk handicapped ramps shall be provided at all intersections.*

**RESPONSE:** SW Elwert Road is classified as a County Minor Arterial street. An 8-foot paved sidewalk is proposed along the subject site's frontage on SW Elwert Road with six-foot sidewalks provided along all local streets per the City standards. SW Copper Terrace is classified as a neighborhood street with a proposed 8-foot paved sidewalk to meet City standards and to match the existing conditions at both ends of the site. Handicapped ramps will be provided as required by code. These criteria, as applicable, are met. See Typical Street Sections (Sheet P4.1) of the included plan set.

#### *C. Pedestrian and Bicycle Paths*

*Provide bike and pedestrian connections on public easements or right-of-way when full street connections are not possible, with spacing between connections of no more than*

*330 feet except where prevented by topography, barriers such as railroads or highways, or environmental constraints such as rivers and streams.*

**RESPONSE:** As shown on the submitted plan set, pedestrian connections are provided via sidewalks on both sides of all proposed and existing streets. No public easements or right-of-way connections are included. Accordingly, it is considered that the applicant has made every effort to provide pedestrian and bicycle connections whenever possible. Therefore, this criterion is met.

#### ***16.106.070 Bike Lanes***

*If shown in Figure 13 of the Transportation System Plan, bicycle lanes shall be installed in public rights-of-way, in accordance with City specifications. Bike lanes shall be installed on both sides of designated roads, should be separated from the road by a twelve-inch stripe or other means approved by Engineering Staff, and should be a minimum of five (5) feet wide.*

**RESPONSE:** Figure 13 of the Transportation System Plan shows a proposed bike lane located on SW Elwert Road. See Typical Sections on Sheet P4.1 for the proposed section for SW Elwert Road which includes a 6 foot wide bike lane. This criterion is met.

### **CHAPTER 16.110 SANITARY SEWERS**

#### ***16.110.010 Required Improvements***

*Sanitary sewers shall be installed to serve all new developments and shall connect to existing sanitary sewer mains. Provided, however, that when impractical to immediately connect to a trunk sewer system, the use of septic tanks may be approved, if sealed sewer laterals are installed for future connection and the temporary system meets all other applicable City, Clean Water Services, Washington County and State sewage disposal standards.*

**RESPONSE:** This project will include necessary public sanitary sewer infrastructure as shown on the Preliminary Composite Utility Plan (Sheet P5.0). Improvements will be designed and constructed in accordance with applicable City, Clean Water Services and State standards. These criteria are met.

#### ***16.110.020 Design Standards***

##### ***A. Capacity***

*Sanitary sewers shall be constructed, located, sized, and installed at standards consistent with this Code, the Sanitary Sewer Service Plan Map in the Sanitary Sewer Master Plan, and other applicable Clean Water Services and City standards, in order to adequately serve the proposed development and allow for future extensions.*

##### ***B. Over-Sizing***

1. *When sewer facilities will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.*
2. *Reimbursement shall be in an amount estimated by the City to be a proportionate share of the cost for each connection made to the sewer by property owners outside of the development, for a period of ten (10) years from the time of installation of the sewers. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.*

**RESPONSE:** All components of the proposed sewer system will be sized properly and oversized where necessary to serve potential future growth within the area. These criteria will be met.

#### ***16.110.030 Service Availability***

*Approval of construction plans for new facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing sewer systems shall include certification by the City that existing or proposed sewer facilities are adequate to serve the development.*

**RESPONSE:** The applicant acknowledges that certification by the City as described above is required prior to approval of construction plans and issuance of building permit. The criterion will be met.

### **CHAPTER 16.112 WATER SUPPLY**

#### ***16.112.010 Required Improvements***

*Water lines and fire hydrants conforming to City and Fire District standards shall be installed to serve all building sites in a proposed development. All waterlines shall be connected to existing water mains or shall construct new mains appropriately sized and located in accordance with the Water System Master Plan.*

#### ***16.112.020 Design Standards***

##### ***A. Capacity***

*Water lines providing potable water supply shall be sized, constructed, located and installed at standards consistent with this Code, the Water System Master Plan, the City's Design and Construction Manual, and with other applicable City standards and specifications, in order to adequately serve the proposed development and allow for future extensions.*

##### ***B. Fire Protection***

*All new development shall comply with the fire protection requirements of Chapter 16.116, the applicable portions of Chapter 7 of the Community Development Plan, and the Fire District.*

**RESPONSE:** The proposed development complies with the fire protection requirements as listed in addition to Tualatin Valley Fire and Rescue standards.

*C. Over-Sizing*

- 1. When water mains will, without further construction, directly serve property outside a proposed development, gradual reimbursement may be used to equitably distribute the cost of that over-sized system.*
- 2. Reimbursement shall be in an amount estimated by the City to be the proportionate share of the cost of each connection made to the water mains by property owners outside the development, for a period of ten (10) years from the time of installation of the mains. The boundary of the reimbursement area and the method of determining proportionate shares shall be determined by the City. Reimbursement shall only be made as additional connections are made and shall be collected as a surcharge in addition to normal connection charges.*
- 3. When over-sizing is required in accordance with the Water System Master Plan, it shall be installed per the Water System Master Plan. Compensation for over-sizing may be provided through direct reimbursement, from the City, after mainlines have been accepted. Reimbursement of this nature would be utilized when the cost of over-sizing is for system wide improvements.*

**RESPONSE:** All components of the proposed water system will be sized properly and oversized where necessary to serve potential future growth within the area.

***16.112.030 Service Availability***

*Approval of construction plans for new water facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing water systems shall include certification by the City that existing or proposed water systems are adequate to serve the development.*

**RESPONSE:** The applicant acknowledges that certification by the City as described above is required prior to approval of construction plans and issuance of building permits. Therefore, this criterion will be met.

**CHAPTER 16.114 STORM WATER**

***16.114.010 Required Improvements***

*Storm water facilities, including appropriate source control and conveyance facilities, shall be installed in new developments and shall connect to the existing downstream drainage systems consistent with the Comprehensive Plan and the requirements of the Clean Water Services water quality regulations contained in their Design and Construction Standards R&O 04-9, or its replacement.*

**RESPONSE:** The proposed storm drainage system has been designed in accordance with Clean Water Services water quality regulations and connects to the existing downstream drainage system, as shown on the Preliminary Composite Utility Plan (Sheet P5.0). Per the storm drainage report, upsizing three of the existing downstream storm main is included in this application in order to adequately convey the additional stormwater flow.

### ***16.114.020 Design Standards***

#### ***A. Capacity***

*Storm water drainage systems shall be sized, constructed, located, and installed at standards consistent with this Code, the Storm Drainage Master Plan Map, attached as Exhibit E, Chapter 7 of the Community Development Plan, other applicable City standards, the Clean Water Services Design and Construction standards R&O 04-9 or its replacement, and hydrologic data and improvement plans submitted by the developer.*

#### ***B. On-Site Source Control***

*Storm water detention and groundwater recharge improvements, including but not limited to such facilities as dry wells, detention ponds, and roof top ponds shall be constructed according to Clean Water Services Design and Construction Standards.*

#### ***C. Conveyance System***

*The size, capacity and location of storm water sewers and other storm water conveyance improvements shall be adequate to serve the development and accommodate upstream and downstream flow. If an upstream area discharges through the property proposed for development, the drainage system shall provide capacity to the receive storm water discharge from the upstream area. If downstream drainage systems are not sufficient to receive an increase in storm water caused by new development, provisions shall be made by the developer to increase the downstream capacity or to provide detention such that the new development will not increase the storm water caused by the new development.*

**RESPONSE:** The proposed stormwater drainage system has been sized and designed in accordance with applicable City, State, DEQ and CWS standards. As shown in the attached Preliminary Storm Drainage Report, stormwater treatment will be provided on-site within Tract A. Therefore, these criteria will be met.

### ***16.114.030 Service Availability***

*Approval of construction plans for new storm water drainage facilities pursuant to Chapter 16.106, and the issuance of building permits for new development to be served by existing storm water drainage systems shall include certification by the City that existing or proposed drainage facilities are adequate to serve the development.*

**RESPONSE:** The applicant acknowledges that certification by the City as described above is required prior to approval of construction plans and issuance of building permits, as illustrated by the submitted plans and Preliminary Storm Drainage Report. These criteria will be met.

## **CHAPTER 116 FIRE PROTECTION**

### ***16.116.010 Required Improvements***

*When land is developed so that any commercial or industrial structure is further than two hundred and fifty (250) feet or any residential structure is further than five hundred (500) feet from an adequate water supply for fire protection, as determined by the Fire District, the developer shall provide fire protection facilities necessary to provide adequate water supply and fire safety.*

**RESPONSE:** Proposed fire protection facilities are included on the Preliminary Composite Utility Plan and the FS-1 plan. These improvements are appropriately sized and designed in accordance with the applicable Oregon Fire Code, City of Sherwood building standards and Tualatin Valley Fire and Rescue standards. This criterion is met.

### ***16.116.020 Standards***

#### ***A. Capacity***

*All fire protection facilities shall be approved by and meet the specifications of the Fire District, and shall be sized, constructed, located, and installed consistent with this Code, Chapter 7 of the Community Development Plan, and other applicable City standards, in order to adequately protect life and property in the proposed development.*

**RESPONSE:** As described above, the proposed fire protection facilities will be sized properly, constructed, located and installed consistent with the applicable Oregon Fire Code, City of Sherwood building standards and Tualatin Valley Fire and Rescue standards. This criterion will be met.

#### ***B. Fire Flow***

*Standards published by the Insurance Services Office, entitled "Guide for Determination of Required Fire Flows" shall determine the capacity of facilities required to furnish an adequate fire flow. Fire protection facilities shall be adequate to convey quantities of water, as determined by ISO standards, to any outlet in the system, at no less than twenty*

*(20) pounds per square inch residual pressure. Water supply for fire protection purposes shall be restricted to that available from the City water system. The location of hydrants shall be taken into account in determining whether an adequate water supply exists.*

**RESPONSE:** The fire flow demand per Appendix B of the Oregon Fire Code is 1,000 GPM for 1 hour as shown on the approved FS-1 plan. Preliminary compliance with this standard is demonstrated through the issuance of TVF&R SPL Permit No. 2025-0176. This criterion is met.

*C. Access to Facilities*

*Whenever any hydrant or other appurtenance for use by the Fire District is required by this Chapter, adequate ingress and egress shall be provided. Access shall be in the form of an improved, permanently maintained roadway or open paved area, or any combination thereof, designed, constructed, and at all times maintained, to be clear and unobstructed. Widths, height clearances, ingress and egress shall be adequate for District firefighting equipment. The Fire District, may further prohibit vehicular parking along private accessways in order to keep them clear and unobstructed, and cause notice to that effect to be posted.*

**RESPONSE:** Hydrant locations and adequate ingress and egress is provided, as demonstrated by the approved FS-1 plan included with this submittal. This criterion is met.

*D. Hydrants*

*Hydrants located along private, accessways shall either have curbs painted yellow or otherwise marked prohibiting parking for a distance of at least fifteen (15) feet in either direction, or where curbs do not exist, markings shall be painted on the pavement, or signs erected, or both, given notice that parking is prohibited for at least fifteen (15) feet in either direction.*

**RESPONSE:** The proposed hydrants are located along public accessways. This criterion does not apply.

**16.116.030 Miscellaneous Requirements**

*A. Timing of Installation*

*When fire protection facilities are required, such facilities shall be installed and made serviceable prior to or at the time any combustible construction begins on the land unless, in the opinion of the Fire District, the nature or circumstances of said construction makes immediate installation impractical.*

**RESPONSE:** The applicant acknowledges that Tualatin Valley Fire and Rescue may require installation of proposed fire protection facilities prior to or at the time of construction. This criterion will be met.

*B. Maintenance of Facilities*

*All on-site fire protection facilities, shall be maintained in good working order. The Fire District may conduct periodic tests and inspection of fire protection and may order the necessary repairs or changes be made within ten (10) days.*

**RESPONSE:** The applicant acknowledges that Tualatin Valley Fire and Rescue may conduct tests and inspections of fire protection facilities. This criterion is met.

*C. Modification of Facilities*

*On-site fire protection facilities, may be altered or repaired with the consent of the Fire District; provided that such alteration or repairs shall be carried out in conformity with the provisions of this Chapter.*

**RESPONSE:** The applicant acknowledges the above that Tualatin Valley Fire and Rescue may consent to alterations or repairs of fire protection facilities. This criterion is considered to be met.

CHAPTER 16.118 PUBLIC AND PRIVATE UTILITIES

**16.118.010 Purpose**

*Public telecommunication conduits as well as conduits for franchise utilities including, but not limited to, electric power, telephone, natural gas, lighting, and cable television shall be installed to serve all newly created lots and developments in Sherwood.*

**16.118.020 Standard**

*A. Installation of utilities shall be provided in public utility easements and shall be sized, constructed, located and installed consistent with this Code, and applicable utility company and City standards.*

**RESPONSE:** As shown on the Preliminary Plat (Sheet P1.0), all proposed lots have an 8-foot wide public utility easement along the adjacent street frontage. These easements provide sufficient area for franchise utility installation. This criterion can be met.

*B. Public utility easements shall be a minimum of eight (8) feet in width unless a reduced width is specifically exempted by the City Engineer. An eight-foot wide public utility easement (PUE) shall be provided on private property along all public street frontages. This standard does not apply to developments within the Old Town Overlay.*

**RESPONSE:** As shown on the Preliminary Plat (Sheet P1.0), all proposed lots have an 8-foot wide public utility easement (PUE) along the adjacent street frontage. This criterion is met.

*C. Where necessary, in the judgment of the City Manager or his designee, to provide for orderly development of adjacent properties, public and franchise utilities shall be extended through the site to the edge of adjacent property(ies).*

**RESPONSE:** As shown on the Preliminary Composite Utility Plan (Sheet P5.0) public utilities extend throughout the site to the edge of adjacent properties. Franchise utilities may be extended as needed. This criterion is met.

*D. Franchise utility conduits shall be installed per the utility design and specification standards of the utility agency.*

*E. Public Telecommunication conduits and appurtenances shall be installed per the City of Sherwood telecommunication design standards.*

**RESPONSE:** As required, franchise utility conduits and public telecommunication conduits and appurtenances shall be installed per the standards of the utility agency and/or City of Sherwood Design Standards. These criteria are met.

*F. Exceptions: Installation shall not be required if the development does not require any other street improvements. In those instances, the developer shall pay a fee in lieu that will finance installation when street or utility improvements in that location occur.*

**RESPONSE:** The proposed development includes street frontage improvements throughout the subject site. Therefore, this exception does not apply.

#### ***16.118.030 Underground Facilities***

*Except as otherwise provided, all utility facilities, including but not limited to, electric power, telephone, natural gas, lighting, cable television, and telecommunication cable, shall be placed underground, unless specifically authorized for above ground installation, because the points of connection to existing utilities make underground installation impractical, or for other reasons deemed acceptable by the City.*

**RESPONSE:** All of the new utility facilities are planned to be placed underground as shown on the Preliminary Composite Utility Plan (Sheet P5.0). These criteria will be met.

#### ***16.118.040 Exceptions***

*Surface-mounted transformers, surface-mounted connection boxes and meter cabinets, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at fifty thousand (50,000) volts or more may be located above ground. The City reserves the right to approve location of all surface-mounted transformers.*

**RESPONSE:** The applicant recognizes the City's right to approve the location of all surface-mounted transformers. This criterion is considered to be met.

### **16.118.050 Private Streets**

*The construction of new private streets, serving single-family residential developments shall be prohibited unless it provides principal access to two or fewer residential lots or parcels i.e. flag lots. Provisions shall be made to assure private responsibility for future access and maintenance through recorded easements. Unless otherwise specifically authorized, a private street shall comply with the same standards as a public street identified in the Community Development Code and the Transportation System Plan. A private street shall be distinguished from public streets and reservations or restrictions relating to the private street shall be described in land division documents and deed records. A private street shall also be signed differently from public streets and include the words "Private Street".*

**RESPONSE:** The proposed site design does not include the construction of any new private streets. This section does not apply.

## **DIVISION VII. LAND DIVISIONS, SUBDIVISIONS, PARTITIONS, LOT LINE ADJUSTMENTS AND MODIFICATION**

### **CHAPTER 16.120 SUBDIVISIONS**

#### **16.120.010 Purpose**

*Subdivision regulations are intended to promote the public health, safety and general welfare; lessen traffic congestion; provide adequate light and air; prevent overcrowding of land; and facilitate adequate water supply, sewage and drainage.*

#### **16.120.020 General Subdivision Provisions**

- A. *Approval of a subdivision occurs through a two-step process: the preliminary plat and the final plat.*
1. *The preliminary plat shall be approved by the Approval Authority before the final plat can be submitted for approval consideration; and*
  2. *The final plat shall reflect all conditions of approval of the preliminary plat.*

**RESPONSE:** This application fulfills the requirement for the approval of the preliminary plat step of the two-step process. Following approval of the preliminary plat application and subsequent engineering approvals as applicable, the applicant will submit a separate application for final plat approval that will demonstrate compliance with the conditions of approval from the preliminary plat approval. These criteria will be met.

- B. *All subdivision proposals shall conform to all state regulations set forth in ORS Chapter 92, Subdivisions and Partitions.*

**RESPONSE:** The applicable subdivision and partition regulations contained in ORS Chapter 92 are implemented through the City’s Municipal Code, and compliance with all applicable requirements as identified in this narrative.

*C. Future re-division*

*When subdividing tracts into large lots, the Approval Authority shall require that the lots be of such size and shape as to facilitate future re-division in accordance with the requirements of the zoning district and this Division.*

**RESPONSE:** The proposed subdivision is for single family residential homes. There are no tracts that will be subdivided to create large lots. This criterion does not apply.

*D. Future Partitioning*

*When subdividing tracts into large lots which may be resubdivided, the City shall require that the lots be of a size and shape, and apply additional building site restrictions, to allow for the subsequent division of any parcel into lots of smaller size and the creation and extension of future streets.*

**RESPONSE:** The proposed subdivision lots are for single-family residential homes. There are no tracts that will be subdivided to create large lots. This criterion does not apply.

*E. Lot averaging*

*Lot size may be averaged to allow lots less than the minimum lot size allowed in the underlying zoning district subject to the following regulations:*

- 1. The average lot area for all lots is not less than allowed by the underlying zoning district.*

**RESPONSE:** The proposed subdivision utilizes lot averaging to allow lot areas that are less than the minimum lot size allowed in the MDRL zoning district. The minimum lot size for the MDRL zoning district is 5,000 square feet. See table below for all lot sizes. Lots that are below 5,000 sf are noted in bold type. See Preliminary Plat (Sheet P1.0) in the included plan set.

Lot number	Area	Lot number	Area	Lot number	Area
<b>1</b>	<b>4,864</b>	<b>15</b>	<b>4,680</b>	<b>29</b>	<b>4,964</b>
<b>2</b>	<b>4,700</b>	16	5,472	30	5,093
<b>3</b>	<b>4,700</b>	17	5,472	31	5,034
<b>4</b>	<b>4,700</b>	18	5,491	<b>32</b>	<b>4,865</b>
<b>5</b>	<b>4,700</b>	19	5,755	<b>33</b>	<b>4,700</b>
<b>6</b>	<b>4,700</b>	<b>20</b>	<b>4,818</b>	<b>34</b>	<b>4,700</b>
<b>7</b>	<b>4,841</b>	21	5,361	<b>35</b>	<b>4,700</b>
8	5,425	22	5,184	<b>36</b>	<b>4,700</b>
9	5,476	<b>23</b>	<b>4,777</b>	<b>37</b>	<b>4,700</b>

10	5,451	24	5,244	38	4,841
11	4,717	25	4,946	39	5,404
12	5,491	26	5,244		
13	4,717	27	4,883		
14	5,472	28	4,964		

Total Lot Area (Lots 1-39) = 195,018 square feet

Average Lot Area

Total Area of Lots 1-39 / Number of Lots = Average Lot Area

195,018 square feet / 39 lots = 5,000.46 square feet = Average Lot Area

The average lot area of the proposed lots is 5,000.46 square feet. This criterion is met.

- 2. *No lot created under this provision shall be less than 90 % of the minimum lot size allowed in the underlying zoning district.*

**RESPONSE:** The minimum lot size allowed in the MDRL district is 5,000 square feet.

90% x 5,000 square feet = 4,500 square feet

The minimum proposed lot size is 4,680 square feet. This criterion is met.

- 3. *The maximum lot size cannot be greater than 10 % of the minimum lot size.*

**RESPONSE:** The minimum lot size allowed in the MDRL district is 5,000 square feet.

10% x 5,000 square feet = 500 square feet

Maximum Lot Size = 5,000 square feet + 500 square feet = 5,500 square feet

The largest proposed lot is lot number 18, which is 5,491 square feet. This area is less than 10% greater than the 5,000 square foot lot size as shown by the calculation above and in the table below. This criterion is met.

<b>MDRL/MDRH Minimum Lot Size (5,000 sf)</b>	<b>Allowed through Lot Averaging</b>	<b>Proposed</b>
Minimum Lot	Greater than 90% of 5,000 sf (4,500 sf)	4,680 sf
Maximum Lot	Less than 10% greater than 5,000 sf (5,500 sf)	5,491 sf

Across the 39 lots, the average lot size is 5,000.46 sf, exceeding the minimum lot size for both the MDRL and MDRH districts.

*F. Required Setbacks*

*All required building setback lines as established by this Code, shall be shown in the preliminary subdivision plat.*

**RESPONSE:** The applicant has provided the preliminary plat showing all required building setbacks. See Sheet P1.0 of the included plan set for the Preliminary Plat Sheet. No adjustments to the minimum setbacks have been requested.

*G. Property Sales*

*No property shall be disposed of, transferred, or sold until required subdivision approvals are obtained, pursuant to this Code.*

**RESPONSE:** The applicant will comply with the above restriction.

**16.120.030 Approval Procedure-Preliminary Plat**

*A. Approval Authority*

- 1. The approving authority for preliminary and final plats of subdivisions shall be in accordance with Section 16.72.010 of this Code.*
  - a. A subdivision application for 4-10 lots will follow a Type II review process.*
  - b. A subdivision application for 11-50 lots will follow a Type III review process.*
  - c. A subdivision application for over 50 lots will follow a Type IV review process.*
- 2. Approval of subdivisions is required in accordance with this Code before a plat for any such subdivision may be filed or recorded with County. Appeals to a decision may be filed pursuant to Chapter 16.76.*

**RESPONSE:** The proposed 39 lot subdivision application will follow a Type III review process per the above criteria. The plat recording process through the County shall occur after Land Use Approval.

*B. Phased Development*

- 1. The Approval Authority may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for any phase be greater than two years without reapplying for a preliminary plat.*
- 2. The criteria for approving a phased subdivision review proposal are:*

- a. *The public facilities shall be scheduled to be constructed in conjunction with or prior to each phase to ensure provision of public facilities prior to building occupancy;*
- b. *The development and occupancy of any phase shall not be dependent on the use of temporary public facilities:*
  - (1) *For purposes of this subsection, a temporary public facility is an interim facility not constructed to the applicable City or district standard; and*
  - (2) *The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as a part of the approval of the preliminary plat.*
- 3. *The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.*

**RESPONSE:** The proposed subdivision shall be developed in a single phase. These criteria do not apply.

***16.120.040 Approval Criteria: Preliminary Plat***

*No preliminary plat shall be approved unless:*

- A. *Streets and roads conform to plats approved for adjoining properties as to widths, alignments, grades, and other standards, unless the City determines that the public interest is served by modifying streets or road patterns.*
- B. *Streets and roads held for private use are clearly indicated on the plat and all reservations or restrictions relating to such private roads and streets are set forth thereon.*
- C. *The plat complies with applicable zoning district standards and design standards in Division II, and all provisions of Divisions IV, VI, VIII and IX. The subdivision complies with Chapter 16.128 (Land Division Design Standards).*
- D. *Adequate water, sanitary sewer, and other public facilities exist to support the use of land proposed in the plat.*
- E. *Development of additional, contiguous property under the same ownership can be accomplished in accordance with this Code.*
- F. *Adjoining land can either be developed independently or is provided access that will allow development in accordance with this Code.*

- G. *Tree and woodland inventories have been submitted and approved as per Section 16.142.060.*
- H. *The plat clearly shows the proposed lot numbers, setbacks, dedications and easements.*
- I. *A minimum of five percent (5%) open space has been provided per Section 16.140.030 (Parks, Open Spaces and Trees-Single-Family Residential Subdivisions), if applicable.*
- J. *Privately maintained trails for public use shall conform to the public trails standards in the Transportation System Plan (TSP).*

**RESPONSE:** The applicant has submitted the proposed development application with the necessary items as listed in A through J.

***16.120.060 Improvement Agreement***

*A. Subdivision Agreement*

*The subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision pursuant to the Division VI, or execute and file with the City an agreement specifying the period within which all required improvements and repairs shall be completed, and providing that if such work is not completed within the period specified, the City may complete the same and recover the full cost and expense thereof from the subdivider. Such agreement may also provide for the construction of the improvements in stages.*

**RESPONSE:** The subdivider will provide a subdivision agreement after Preliminary Land Use Approval. This criterion will be met.

*B. Performance Security*

*The subdivider is required to provide monetary assurance of full and faithful performance in the form of a bond, cash, or other security acceptable to the City in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of the improvements.*

**RESPONSE:** The applicant acknowledges the responsibility to provide monetary assurance in the form of a bond, cash or other security to the City as required above. This criterion will be met.

***16.120.070 Bond***

- A. *Performance guarantee required. As required by Section 16.120.060, the subdivider shall file with the agreement an assurance of performance supported by one of the following:*

1. *A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated or cash.*
2. *Determination of sum. The assurance of performance shall be for a sum determined by the City Engineer as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.*
3. *Itemized improvement estimate. The subdivider shall furnish to the City Engineer an itemized improvement estimate, certified by a registered civil engineer, to assist the City Engineer in calculating the amount of the performance assurance.*
4. *When subdivider fails to perform. In the event the subdivider fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit for reimbursement.*
5. *Termination of performance guarantee. The subdivider shall not cause termination of nor allow expiration of said guarantee without having first secured written authorization from the City.*

**RESPONSE:** The provider shall file an assurance of performance after Preliminary Land Use Approval, and will follow the applicable administrative procedures and requirements listed above. This criterion will be met.

CHAPTER 16.128 LAND DIVISION DESIGN STANDARDS

**16.128.010 Blocks**

*A. Connectivity*

*1. Block Size*

*The length, width, and shape of blocks shall be designed to provide adequate building sites for the uses proposed, and for convenient access, circulation, traffic control and safety.*

*2. Block Length*

*Block length standards shall be in accordance with Section 16.108.040. Generally, blocks shall not exceed five-hundred thirty (530) feet in length, except blocks adjacent to principal arterial, which shall not exceed one thousand eight hundred (1,800) feet. The extension of streets and the formation of blocks shall conform to the Local Street Network map contained in the Transportation System Plan.*

**RESPONSE:** The extension of the existing streets conforms to the Local Street Network Map and Transportation System Plan. The block lengths are in accordance with Section 16.108.040 as

previously described. As stated, based on the definition of block length used by staff, the block length of SW Derby Terrace/SW Cereghino Lane exceeds the limit listed above. However, the intersection of SW Derby Terrace and SW Cereghino Lane will be completed with the eventual development of Tax Lot 800, which is served by stubs from both streets. It is anticipated that Tax lot 800 will be required to provide additional pedestrian and/or vehicular connectivity at the time of development (as shown on Sheet P6.0), and as such the block formed by SW Derby Terrace and SW Cereghino Lane (as defined by City staff) is an interim condition only, which will meet block length requirements with reasonably foreseeable future development. Taking into account the definition of a “block length” and the interim nature of the condition, no design modification is required.

3. *Pedestrian and Bicycle Connectivity. Paved bike and pedestrian accessways shall be provided on public easements or right-of-way consistent with Figure 7.401.*

**RESPONSE:** Pedestrian access is provided throughout the site via sidewalks designed to meet City standards per Section 16.106.060. See Preliminary Street Plan (Sheet P4.0) for sidewalk locations and dimensions.

- B. *Utilities Easements for sewers, drainage, water mains, electric lines, or other utilities shall be dedicated or provided for by deed. Easements shall be a minimum of ten (10) feet in width and centered on rear or side lot lines; except for tie-back easements, which shall be six (6) feet wide by twenty (20) feet long on side lot lines at the change of direction.*

**RESPONSE:** All necessary utility easements are shown on the Preliminary Plat (Sheet P1.0). This criterion is met.

### C. *Drainages*

*Where a subdivision is traversed by a watercourse, drainage way, channel or street, drainage easements or rights-of-way shall be provided conforming substantially to the alignment and size of the drainage.*

**RESPONSE:** The proposed subdivision is not traversed by a watercourse, drainage way. This criterion does not apply.

### **16.128.020 Pedestrian and Bicycle Ways**

*Pedestrian or bicycle ways may be required to connect cul-de-sacs, divide through an unusually long or oddly shaped block, or to otherwise provide adequate circulation.*

**RESPONSE:** Pedestrian access is provided throughout the site via sidewalks designed to meet City standards per Section 16.106.060. See the Preliminary Street Plan (Sheet P4.0) for sidewalk locations and dimensions.

The addition of a pedestrian pathway between SW Derby Terrace and SW Elwert Road is not mandatory. As above (emphasis added), pedestrian or bicycle ways **may** be required. The applicant notes that neither Figure 12 – Pedestrian Projects or Figure 13 – Bicycle Projects of the

Sherwood TSP include bicycle or pedestrian projects within the subject site. SW Handley Street is however included on Figures 12 and 13 for pedestrian and bicycle trails connecting to SW Elwert Road approximately 250 feet south of the site. The Daybreak development also provided a bicycle and pedestrian accessway to SW Elwert Road approximately 100 feet north of the site. Accordingly, the site frontage along SW Elwert Road is not an unusually long or oddly shaped block for an arterial street.

Lastly, the accessway standard requested by staff would consist of a 20 feet wide x 85 feet long tract, for a total area of 1,700 sf and the loss of a lot. As it stands, the development is already dedicating approximately 39.5% of the overall site to public uses including right-of-way dedication, visual corridor, stormwater management, and open space. Right-of-way dedication alone takes 30.6% of the total site area. An addition 1,700 sf for transportation related purposes and the loss of a lot would further increase the already substantial level of exactions on the site.

### ***16.128.030 Lots***

#### ***A. Size and Shape***

*Lot size, width, shape, and orientation shall be appropriate for the location and topography of the subdivision or partition, and shall comply with applicable zoning district requirements, with the following exception:*

- 1. Lots in areas not served by public sewer or water supply shall conform to any special County Health Department standards.*

**RESPONSE:** All of the proposed lots are served by public sewer and water supply. This criterion does not apply.

#### ***B. Access***

*All lots in a subdivision shall abut a public street, except as allowed for infill development under Chapter 16.68 or for cottage clusters as described below.*

**RESPONSE:** All 39 lots in the proposed subdivision abut a public street. This criterion is met.

- 1. Cottage cluster lots shall abut a public street, private street, alley, shared open space, or a shared pathway.*

**RESPONSE:** The proposed development does not include any cottage cluster lots. This criterion does not apply.

#### ***C. Double Frontage***

*Double frontage and reversed frontage lots are prohibited except where essential to provide separation of residential development from railroads, traffic arteries, adjacent*

*nonresidential uses, or to overcome specific topographical or orientation problems. A five (5) foot wide or greater easement for planting and screening may be required.*

**RESPONSE:** Lots 10 through 17 are double frontage lots, with both frontage to SW Elwert Road along the site's western boundary, and to the extension of SW Derby Terrace internal to the subdivision. However, SW Elwert Road is an arterial street with access spacing and use restrictions, and Lots 10 through 17 do not have right to access. Accordingly, double frontage lots are the most appropriate way to provide access on the eastern side of the lots. It is noted that a 15 foot visual corridor will exist on the lots between the dwellings and SW Elwert Road right-of-way, providing sufficient area for planting and screening.

*D. Side Lot Lines Side lot lines shall, as far as practicable, run at right angles to the street upon which the lots face, except that on curved streets side lot lines shall be radial to the curve of the street.*

**RESPONSE:** The proposed subdivision has been designed with side lot lines running at right angles to the street the lot faces per the above standard. This criterion is met.

*E. Grading*

*Grading of building sites shall conform to the following standards, except when topography of physical conditions warrants special exceptions:*

- 1. Cut slopes shall not exceed one (1) and one-half (1 1/2) feet horizontally to one (1) foot vertically.*
- 2. Fill slopes shall not exceed two (2) feet horizontally to one (1) foot vertically.*

**RESPONSE:** Grading of the subject site conforms to the above standards. See Sheet P3.0 for the Preliminary Grading and Erosion Control Plan.

## **DIVISION VIII. ENVIRONMENTAL RESOURCES**

### **CHAPTER 16.132 GENERAL PROVISIONS AND CONFORMANCE**

#### ***16.132.010 Purpose***

*This Division is intended to protect, preserve, and otherwise properly manage the City's natural and environmental resources for the benefit of the general public, to regulate land development so as to protect the public from natural and environmental hazards, and to establish performance standards allowing the City to properly and uniformly assess the impact of residential, commercial, industrial, and institutional development and activities on the quality of the City's environment.*

#### ***16.132.020 Applicability***

*The standards of this Chapter, and applicable portions of the Comprehensive Plan, shall apply to all Chapters in Division VIII, Environmental Resources, except for Chapter 16.134 Floodplain Overlay, for any new uses or changes to existing uses in commercial, industrial and institutional zones.*

#### **16.132.030 Conformance**

*Conformance with the standards of this Chapter shall, at a minimum, be certified in writing by a professional engineer and submitted with the application for site plan review required by Chapter 16.90, except as per Section 16.136.050. The written certification shall include:*

- A. Statement certifying that the proposed commercial, industrial or institutional use, if properly managed and operated, will comply with City environmental performance standards, and citing evidence supporting the certification.*
- B. Copies of any applicable State permits or recent test results, if available, which would indicate compliance with City environmental performance standards.*

**RESPONSE:** The proposed development is for residential use only. The site will comply with City and State environmental performance standards related to stormwater management in residential areas as shown in the Preliminary Stormwater Drainage Report.

#### **16.132.040 Additional Information**

- A. Prior to accepting any land use application to which this Chapter applies, the City Manager or his/her designee, may determine that additional expertise in evaluating the application, due to the complexity of its impact on environmental resources, is warranted. Under such circumstances, the City may contract with a professional engineer or other qualified consultant to evaluate and make recommendations on specific application elements relative to City environmental resource standards.*
- B. Upon the City's determination that additional expertise is needed, the applicant shall deposit a sum equal to the estimated cost, as determined by the City, of such professional services. If the actual cost of such services is more than estimated, the applicant shall be responsible for the difference, provided however, that the applicant's financial responsibilities will not exceed ten percent (10%) of the estimate without prior written authorization. If the cost of such services is less than the estimate, the balance of the deposit shall be returned to the applicant upon final action on their land use application.*

**RESPONSE:** The applicant recognizes the City's ability to utilize additional expertise if needed.

#### **CHAPTER 16.134 FLOODPLAIN (FP) OVERLAY**

**RESPONSE:** The subject site is not located within the floodplain (FP) Overlay zone. This section does not apply.

CHAPTER 16.136 MINERAL RESOURCES

**RESPONSE:** The proposed development does not include mineral extraction or other uses related to mineral resources. This section does not apply.

CHAPTER 16.138 SOLID WASTE

**RESPONSE:** The proposed development does not include solid waste facilities. This section does not apply.

CHAPTER 16.140 PARKS, TREES AND OPEN SPACES

**16.140.010 Purpose**

*This Chapter is intended to assure the provision of a system of public and private recreation and open space areas and facilities consistent with this Code and applicable portions of the City's adopted Comprehensive Plan. The standards of this section do not supersede the open space requirements of a Planned Unit Development, found in Chapter 16.40 - Planned Unit Development (PUD).*

**16.140.020 Multi-Family Dwelling Developments**

**RESPONSE:** The proposed development does not include any multi-family dwellings. This section does not apply.

**16.140.030 All Residential Subdivisions**

*A. A minimum of five percent (5%) of the net buildable site (after exclusion of public right-of-way and environmentally constrained areas) shall be maintained as "open space". Open space must include usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. Cottage cluster development is subject to the open space requirements of 16.14.40 and not to the requirements of this section. The following may not be used to calculate open space:*

- 1. Required yards or setbacks.*
- 2. Required visual corridors.*
- 3. Required sensitive areas and buffers.*
- 4. Any area required to meet a standard found elsewhere in this code.*

**RESPONSE:** The net buildable area of the site is approximately 211,024 square feet when right-of-way areas and the stormwater facility (public use) are excluded, which would result in a required open space area of 10,551 sf. The proposed open spaces include Tract C (8,080 sf) and Tract D (2,496 sf) for a total of 10,576 sf, or 5% of the net buildable site ( $10,576/211,024 = 0.05014 = 5\%$ ). See the Open Space Exhibit included with the submittal for Open Space areas and calculations.

As stated above, open space must include usable areas such as public parks, swimming and wading pools, grass areas for picnics and recreational play, walking paths, and other like space. This does not mean that 100% of all areas counted as open space must be usable for the types of active recreational activities listed. Indeed, Section 16.10.020 of the SZCDC defines open space as:

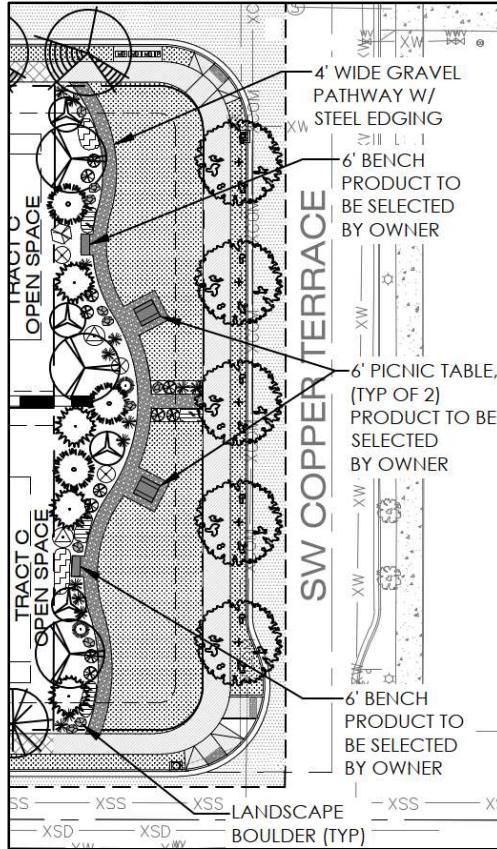
***Open Space:** Open ground area which is not obstructed from the ground surface to the sky by any structure, except those associated with landscaping, or recreational facilities. Parking lots and storage areas for vehicles and materials shall not be considered open space.*

Section 16.140.030.A. does not change the definition of open space, which is considered to be primarily an *Open ground area which is not obstructed from the ground surface to the sky*. It simply adds that the open space provided must *include* active uses. Webster's Third new International Dictionary defines include as :

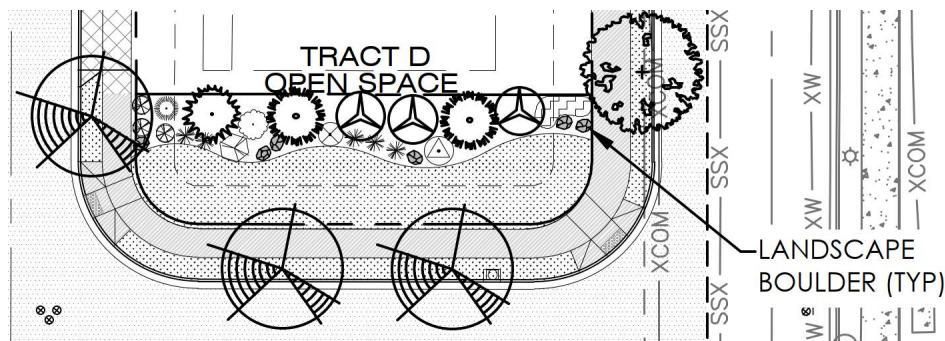
*I: to take in or comprise as a part of a whole or group*  
The price of dinner *includes* dessert.  
He doesn't want to be *included* in the project.

By definition, “include” in this instance means to provide the type of specified active uses as a part of a whole or group – it does not mean as all of a whole or group. In effect, Section 16.140.030.A requires a mix of active and passive uses.

Tract C (8,080 sf) is a linear open space extending the width of a block (188 feet), with a depth of 43 feet. As shown on Landscape Plans submitted with the application (Sheet L1.0), Tract C is proposed to be attractively landscaped with a variety of trees, shrubs, and groundcovers, and includes grass areas for picnics and recreational play, along with a meandering walking path, bench seating, and picnic tables. Accordingly, Tract C provides a mix of both active and passive recreational opportunities, and covers 3 of the active uses listed as appropriate in this section (grass areas, walking paths, and other like uses (benches and picnic tables)). Tract C meets the requirements of this section, and will provide an attractive entryway into the community from SW Copper Terrace.



Tract D (2,496 sf) is a smaller, quieter park setting to the north of Tract C, with a width of 95 feet and a depth of 27 feet. As shown on Landscape Plans submitted with the application (Sheet L1.0), Tract D is proposed to be attractively landscaped with a variety of trees, shrubs, and groundcovers, and includes grass areas for picnics and recreational play. Accordingly, Tract C provides a mix of both active and passive recreational opportunities, and includes an active use listed as appropriate in this section (grass areas). Tract D meets the requirements of this section, and will provide an attractive, sunny (south-facing) community amenity.



It is noted that staff have made the following statement as it relates to the provided open space, in deeming the application incomplete.

The proposed “open space” area fronting SW Copper Terrace, Street A, and SW Oxford Terrace does not meet the code’s usable areas description. In addition, embedded within the “open space” requirement (16.140.030.A) that mentions precedents such as “public parks, swimming and wading pools, grass areas for picnics and recreational play...” is the understanding that these areas are to be relaxing and safe. Staff notes that the proposed open space areas front three streets, are significantly less deep than a typical lot, and are designed and landscaped in a way that results in users being closer to those frontages rather than to be buffered from them. Staff recommends locating one large open space area within the development, with one frontage, that provides an area where residents and visitors can safely play and relax. Please consider using Lot 21 to meet this requirement. Lot 21 is located within the development, has a single frontage, and abuts the existing open space from the development to the north, collectively providing a significant safe and usable open space amenity to the development and community.

The three issues primarily raised by staff above are summarized as follows, and addressed below:

- 1) The proposed “open space” area does not meet the code’s usable areas description;
- 2) The proposed open space areas do not comply with an “embedded” “understanding” that open space be “relaxing and safe”; and
- 3) A recommendation that Lot 21 be utilized as open space rather than a residential lot.

1) The proposed “open space” area does not meet the code’s usable areas description;

As previously described above, each of the open space areas meets the definition of open space in Section 16.10.020 of the SZCDC. Each of the open space areas proposed includes at least one of the types of usable area described in Section 16.140.030.A. Accordingly, the applicant asserts that the proposed open space areas meet all requirements of this section.

2) The proposed open space areas do not comply with an “embedded” “understanding” that open space be “relaxing and safe”; and

Section 16.10.010 SZCDC states that *all words used in this Code, except where specifically defined herein, shall carry their customary meanings, and where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used.* To state that “understandings” are “embedded” in the code language is to discard the customary and ordinary accepted meanings of the language, and impose some sort of unwritten, unspoken agreement on an applicant. Such an approach must automatically render a requirement as not clear and objective, and begs the question: What other code sections do staff consider to contain embedded understandings in their application of the Code? What impact does that have on the application of standards which are required by state law to be clear and objective? An embedded understanding is no different to describing the requirement as an “unwritten rule”.

As described above, the applicant asserts that each of the open space areas meets the definition of open space in Section 16.10.020 of the SZCDC, as written. Each of the open space areas proposed includes at least one of the types of usable area described in Section 16.140.030.A. The applicant

is not required to address a so-called embedded understanding put forward by staff which is not consistent with application of customary and ordinary accepted meanings of the language.

It is also noted that staff asserts that proximity to the road frontage makes an open space area unsafe. It is noted that Sherwood's Cannery Square is fronted on three sides by an arterial street, a local street, and a railway line, however is not considered unsafe by the City:



3) A recommendation that Lot 21 be utilized as open space rather than a residential lot.

The applicant maintains that the design of open space within the development is attractive, safe, and relaxing. The entire park is visible from the street; is anticipated to have frequent foot and vehicle traffic around its boundaries, and avoids hidden, unsafe spaces. It is also free of hazards such as ponds or pools. This approach is consistent with The THPRD Parks Functional Plan Chapter 4.1.5.n - Crime Prevention Through Environmental Design (CPTED) (page 89), which states:

*Visibility Considerations: » Maintain open sight lines throughout a park site in order to promote natural surveillance and a “see and be seen” concept.*

The use of Lot 21 as open space, on the other hand, would create a closed off space with limited visibility, and limited surveillance from side and rear yards of surrounding homes. Such spaces are typically not considered attractive, inviting, or safe. Furthermore, the applicant has demonstrated the proposed open space meets the plain language of the Code. The requirements cited by staff are

part of the “embedded understanding” concept relied on by staff, which naturally inserts value laden judgements to the analysis, ambiguity, and uncertainty.

Open space within the development meets the requirements of the applicable code sections.

*B. Enhanced streetscapes such as "boulevard treatments" in excess of the minimum public street requirements may count toward a maximum of 10,000 square feet of the open space requirement.*

- 1. Example: if a 52-foot-wide right-of-way [ROW] is required for a 1,000 foot-long street and a 62-foot wide ROW with 5-foot additional plantings/meandering pathway is provided on each side of the street, the additional 10-foot-wide area x 1,000 linear feet, or 10,000 square feet, counts toward the open space requirement.*

**RESPONSE:** The proposed development does not include any enhanced streetscapes. This criterion does not apply.

*C. The open space shall be conveyed in accordance with one of the following methods:*

- 1. By dedication to the City as public open space (if acceptable to the City). Open space proposed for dedication to the City must be acceptable to the City Manager or the Manager's designee with regard to the size, shape, location, improvement, environmental condition, and budgetary and maintenance abilities;*
- 2. By leasing or conveying title (including beneficial ownership) to a corporation, homeowners' association or other legal entity, with the City retaining the development rights to the open space. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.*

**RESPONSE:** The proposed open space tracts will be owned and maintained by a homeowners’ association, or other appropriate legal entity in accordance with Subsection C.1. above. This criterion is met.

*D. The density of a residential subdivision shall be calculated based on the net buildable site prior to exclusion of open space per this Section.*

- 1. Example: a 40,000 square foot net buildable site would be required to maintain 2,000 square feet (5%) of open space but would calculate density based on 40,000 square feet.*

**RESPONSE:** The density of the residential subdivision was calculated based on the net buildable site area which included the proposed open space tracts, as required. See Open Space Exhibit for areas included in the net buildable area. This criterion is met.

*E. If a proposed residential subdivision contains or is adjacent to a site identified as open space or park and recreation area in a Concept Plan or Parks and Recreation Master Plan, or has been identified for acquisition by the Sherwood Parks and Recreation Board, establishment of open space shall occur in the designated areas if the subdivision contains the park site, or immediately adjacent to the parks site if the subdivision is adjacent to it.*

**RESPONSE:** The proposed subdivision does not contain and is not adjacent to a site identified as open space or park and recreation area in a Concept Plan or Parks and Recreation Master Plan. This criterion does not apply.

*F. If the proposed residential subdivision does not contain or is not adjacent to a site identified as open space or parks and recreation area in a Concept Plan or Parks and Recreation Master Plan, otherwise identified for acquisition by the Parks and Recreation Board, the applicant may elect to convey off-site park/open space.*

**RESPONSE:** The proposed residential subdivision does not contain and is not adjacent to a site identified as open space or parks and recreation area. The applicant does not elect to convey off-site park/open space. This criterion does not apply.

*G. This standard does not apply to a residential partition provided that a development may not use phasing or series partitions to avoid the minimum open space requirement. A partition of land that was part of an approved partition within the previous five (5) years shall be required to provide the minimum five percent (5%) open space in accordance with subsection (A) above.*

**RESPONSE:** The development of the proposed subdivision will not use phasing or series partitions. This criterion does not apply.

*H. The value of the open space conveyed under Subsection (A) above may be eligible for Parks System Development Charges (SDCs) credits based on the methodology identified in the most current Parks and Recreation System Development Charges Methodology Report.*

**RESPONSE:** The open space as calculated will be located within open space tracts that will be owned and maintained by the homeowner's association. Therefore, they will not be eligible for Parks System Development Charges as they will not be included in the City Parks and Recreation system.

#### **16.140.040 Visual Corridors**

##### **A. Corridors Required**

*New developments located outside of the Old Town Overlay with frontage on Highway 99W, or arterial or collector streets designated on Figure 8-1 of the Transportation System Plan shall be required to establish a landscaped visual corridor according to the following standards:*

	<i>Category</i>	<i>Width</i>
1.	<i>Highway 99W</i>	<i>25 feet</i>
2.	<i>Arterial</i>	<i>15 feet</i>
3.	<i>Collector</i>	<i>10 feet</i>

*In residential developments where fences are typically desired adjoining the above described major street the corridor may be placed in the road right-of-way between the property line and the sidewalk. In all other developments, the visual corridor shall be on private property adjacent to the right-of-way.*

**RESPONSE:** The subject property has direct frontage along SW Elwert Road (a designated arterial). As required, a 15-foot landscaped visual corridor easement is shown on the Preliminary Plat and this area shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between SW Elwert Road and the proposed residential lots.

The required visual corridor is measured from the edge of the sidewalk to the proposed fence within the rear yards of lots 10-17, with the majority of the corridor placed in the road right-of-way between the property line and the sidewalk, as is allowed on an arterial street. The proposed fence is located between 1 and 5 feet within the proposed lots, as allowed, leaving a minimum of 15 feet between the rear of the dwellings and the fence.

See Sheet P1.0 for the proposed visual corridor easement and sheet L1.0 of the submitted plan set for plant types, spacing and details.

#### *B. Landscape Materials*

*The required visual corridor areas shall be planted as specified by the review authority to provide a continuous visual and/or acoustical buffer between major streets and developed uses. Except as provided for above, fences and walls shall not be substituted for landscaping within the visual corridor. Uniformly planted, drought resistant street trees and ground cover, as specified in Section 16.140.060, shall be planted in the corridor by the developer. The improvements shall be included in the compliance agreement. In no case shall trees be removed from the required visual corridor.*

**RESPONSE:** The visual corridor along SW Elwert Road will be planted in accordance with the above Section and Section 16.140.060. The visual corridor will be planted with a mix of trees and shrubs as shown Sheet L1.0 of the submitted plan set.

#### *C. Establishment and Maintenance*

*Designated visual corridors shall be established as a portion of landscaping requirements pursuant to Chapter 16.92. To assure continuous maintenance of the visual corridors, the review authority may require that the development rights to the corridor areas be dedicated to the City or that restrictive covenants be recorded prior to the issuance of a building permit.*

**RESPONSE:** The designated visual corridor will be considered part of the lots with frontage along SW Elwert Road (Lots 10 through 17). Maintenance will be the responsibility of the property owner (or the City once the area is dedicated).

*D. Required Yard*

*Visual corridors may be established in required yards, except that where the required visual corridor width exceeds the required yard width, the visual corridor requirement shall take precedence. In no case shall buildings be sited within the required visual corridor.*

**RESPONSE:** The required 15-foot visual corridor along SW Elwert Road is located along the rear side of Lots 10 through 17. As allowed, the required visual corridor is measured from the edge of the sidewalk to the proposed fence within the rear yards of lots 10-17. The proposed fence is located between 1 and 5 feet within the proposed lots, as allowed, with easements provided for the visual corridor where it is located on private property. See the Preliminary Plat (Sheet P1.0) for corridor location and easements.

**16.140.050 Park Reservation**

*Within a time period not to exceed three (3) years, the City may purchase open space and park and recreation areas in adopted Concept Plans and the Parks and Recreation Master Plan, which have not been dedicated pursuant to Sections 16.140.030 or 16.134.020. An applicant shall make a request to the City's Parks and Recreation Advisory Board for the purchase of open space and/or park and recreation land. After the request is heard, the City's Parks and Recreation Advisory Board will make a recommendation to City Council. The Sherwood City Council is the final decision-maker.*

**RESPONSE:** The applicant does not intend to submit a park reservation request to the City. This section does not apply.

**16.140.060 Street Trees**

*A. Installation of Street Trees on New or Redeveloped Property.*

*Trees are required to be planted to the following specifications along public streets abutting or within any new development or re-development. Planting of such trees shall be a condition of development approval. The City shall be subject to the same standards for any developments involving City-owned property, or when constructing or reconstructing City streets. After installing street trees, the property owner shall be responsible for maintaining the street trees on the owner's property or within the right-of-way adjacent to the owner's property.*

- 1. Location: Trees shall be planted within the planter strip along a newly created or improved streets. In the event that a planter strip is not required or available, the*

*trees shall be planted on private property within the front yard setback area or within public street right-of-way between front property lines and street curb lines or as required by the City.*

2. *Size: Trees shall have a minimum trunk diameter of two (2) caliper inches, which is measured six inches above the soil line, and a minimum height of six (6) feet when planted.*
3. *Types: Developments shall include a variety of street trees. The trees planted shall be chosen from those listed in 16.140.080 of this Code.*
4. *Required Street Trees and Spacing:*
  - a. *The minimum spacing is based on the maximum canopy spread identified in the recommended street tree list in section 16.140.080 with the intent of providing a continuous canopy without openings between the trees. For example, if a tree has a canopy of forty (40) feet, the spacing between trees is forty (40) feet. If the tree is not on the list, the mature canopy width must be provided to the planning department by a certified arborist.*
  - b. *All new developments shall provide adequate tree planting along all public streets. The number and spacing of trees shall be determined based on the type of tree and the spacing standards described in a. above and considering driveways, street light locations and utility connections. Unless exempt per c. below, trees shall not be spaced more than forty (40) feet apart in any development.*
  - c. *A new development may exceed the forty-foot spacing requirement under section b. above, under the following circumstances:*
    - (1) *Installing the tree would interfere with existing utility lines and no substitute tree is appropriate for the site; or*
    - (2) *There is not adequate space in which to plant a street tree due to driveway or street light locations, vision clearance or utility connections, provided the driveways, street light or utilities could not be reasonably located elsewhere so as to accommodate adequate room for street trees; and*
    - (3) *The street trees are spaced as close as possible given the site limitations in (1) and (2) above.*
    - (4) *The location of street trees in an ODOT or Washington County right-of-way may require approval, respectively, by ODOT or Washington County and are subject to the relevant state or county standards.*
    - (5) *For arterial and collector streets, the City may require planted medians in lieu of paved twelve-foot wide center turning lanes, planted with trees to the specifications of this subsection.*

**RESPONSE:** The proposed street trees have been selected and placed in accordance with the above section. See the Landscaping Plan (Sheet L1.0) for tree locations and details.

- B. *Removal and Replacement of Street Trees.*
- C. *Homeowner's Association Authorization.*
- D. *Exemption from Replacing Street Trees.*
- E. *Notwithstanding any other provision in this section, the city manager or the manager's designee may authorize the removal of a street tree in an emergency situation...*
- F. *Trees on Private Property Causing Damage.*
- G. *Penalties.*

**RESPONSE:** The subject site does not contain any existing street trees. Therefore, B through G do not apply.

***16.140.070 Trees on Property Subject to Certain Land Use Applications***

*A. Generally*

*The purpose of this Section is to establish processes and standards which will minimize cutting or destruction of trees and woodlands within the City. This Section is intended to help protect the scenic beauty of the City; to retain a livable environment through the beneficial effect of trees on air pollution, heat and glare, sound, water quality, and surface water and erosion control; to encourage the retention and planting of tree species native to the Willamette Valley and Western Oregon; to provide an attractive visual contrast to the urban environment, and to sustain a wide variety and distribution of viable trees and woodlands in the community over time.*

*B. Applicability*

*All applications including a Type II - IV land use review, shall be required to preserve trees or woodlands, as defined by this Section to the maximum extent feasible within the context of the proposed land use plan and relative to other codes, policies, and standards of the City Comprehensive Plan.*

**RESPONSE:** The existing trees on the subject site are proposed to be removed for site development and grading. This application is subject to a Type III land use review with Type II design modifications. Due to the street layout of the site and the locations of the existing trees, along with density and public facility requirements, it is not feasible to preserve any trees or woodland areas. It is further noted that in accordance with the arborists report submitted with the application (page 2 of 7), of the 335 on-site trees, 265 are Christmas trees planted for commercial agricultural purposes on Tax Lots 400 and 700. Another 26 trees on tax lot 700 are nut and fruit trees which may also have been planted for commercial agricultural purposes. The other 44 on-site trees include a mix of landscape trees and unmaintained natural regeneration.

*C. Inventory*

- 1. *To assist the City in making its determinations on the retention of trees and woodlands, land use applications including Type II - IV development shall include a*

*tree and woodland inventory and report. The report shall be prepared by a qualified professional and must contain the following information:*

- a. *Tree size (in DBH and canopy area)*
  - b. *Tree species*
  - c. *The condition of the tree with notes as applicable explaining the assessment*
  - d. *The location of the tree on the site*
  - e. *The location of the tree relative to the planned improvements*
  - f. *Assessment of whether the tree must be removed to accommodate the development*
  - g. *Recommendations on measures that must be taken to preserve trees during the construction that are not proposed to be removed.*
2. *In addition to the general requirements of this Section, the tree and woodland inventory's mapping and report shall also include, but is not limited to, the specific information outlined in the appropriate land use application materials packet.*
  3. *Definitions for the inventory purposes of this Section...*

**RESPONSE:** A tree report was provided by Morgan Holen & Associates dated October 10, 2025, which is included in the submittal packet. This report contains the required information as listed above. The Plan Set also includes a Preliminary Tree Preservation and Removal Plan (Sheet P2.1).

*D. Retention requirements*

1. *Trees may be considered for removal to accommodate the development including buildings, parking, walkways, grading etc., provided the development satisfies of D.2 or D.3, below.*

**RESPONSE:** A Preliminary Tree Preservation and Removal Plan is provided in the Plan Set (Sheet P2.1). All trees proposed for removal are necessary for the proposed development and satisfy D.2 below.

2. *Required Tree Canopy - All Residential Developments subject to Type II—IV land use review. Each net development site shall provide a variety of trees to achieve a minimum total tree canopy of 40 percent. The canopy percentage is based on the expected mature canopy of each tree by using the equation  $\pi r^2$  to calculate the expected square footage of canopy for each tree. The expected mature canopy is counted for each tree regardless of an overlap of multiple tree canopies.*

*The canopy requirement can be achieved by retaining existing trees or planting new trees. Required street trees can be used toward the total on site canopy required to meet this standard. The expected mature canopy spread of the new trees will be counted toward the needed canopy cover. A certified arborist or other qualified*

*professional shall provide the estimated tree canopy of the proposed trees to the planning department for review.*

**RESPONSE:** A tree report was provided by Morgan Holen & Associates dated October 10, 2025, Revised February 27, 2026, which is included in the submittal packet. As stated in the report: proposed tree species and locations were determined by the Landscape Architect. Sheet L1.0 lists the mature canopy area for each proposed tree species along with a tree canopy area calculation for the proposed planted trees. The total proposed tree canopy is 102,139 square feet. Therefore, the minimum required tree canopy is satisfied ( $102,139 / 211,052 = 48\%$ ). This criterion is met.

	<i>Residential (single family detached and middle housing developments) subject to Type II-IV review</i>
<i>Canopy Requirement</i>	<i>40%</i>
<i>Counted Toward the Canopy Requirement</i>	
<i>Street trees included in canopy requirement</i>	<i>Yes</i>
<i>Landscaping requirements included in canopy requirement</i>	<i>N/A</i>
<i>Existing trees onsite</i>	<i>Yes x 2</i>
<i>Planting new trees onsite</i>	<i>Yes</i>

## **FINAL CONCLUSION**

The response findings presented herein demonstrate that the proposed 39-lot subdivision complies with all of the applicable provisions of the MDRL and MDRH zones and the relevant approval criteria of the City of Sherwood Municipal Code.

Public facilities and services exist to adequately serve the proposed development, and all improvements will be constructed to City Standards.

Therefore, the applicant respectfully requests approval of this application.